Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in the Sudan,

1. Expresses its deep concern at the serious human rights violations in the Sudan, including summary executions, detentions without due process, forced displacement of persons and torture;

2. Urges the Government of the Sudan to respect fully human rights, and calls upon all parties to cooperate in order to ensure such respect;

3. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as special rapporteur on the situation of human rights in the Sudan;

4. Requests the Special Rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate and report to the Commission at its fiftieth session on the situation of human rights in the Sudan, including any progress made there towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

5. Also requests the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these matters;

6. Calls upon the Government of the Sudan to extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his mandate and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Sudan whom he wishes to meet;

7. Requests the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;

8. Calls upon the Government of the Sudan to comply with applicable international human rights instruments, in particular the International Covenants on Human Rights and the Convention on the Elimination of All Forms of Racial Discrimination, to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in these instruments;

9. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including in particular common article 3 of the Geneva Conventions of 12 August 1949 for the protection of war victims, to halt the use of weapons against the civilian population and to protect all civilians from violations, including forcible displacement, arbitrary dentention, ill-treatment, torture and summary execution;

10. Strongly urges all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict to ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby creating the necessary conditions to end the exodus of Sudanese refugees to neighbouring countries and facilitating their early return to the Sudan, and welcomes efforts to facilitate dialogue among the parties to that end;

11. Calls upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

12. Calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population and to cooperate with the initiatives of the Department of Humanitarian Affairs of the Secretariat to deliver assistance to all persons in need;

13. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session;

14. Decides to consider the situation of human rights in the Sudan at its fiftieth session under the same agenda item.

65th meeting
10 March 1993
[Adopted by a roll-call vote of 35 to 9, with 8 abstentions. See chap. XII.]

1993/61. Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1),

Concerned about the seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, and forced population displacements,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups,

Stressing also the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which have stood in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that force is used systematically to prevent and suppress peaceful gatherings and demonstrations;

3. Expresses its concern about the deterioration of the situation in Shaba, where the authorities bear primary responsibility for fresh outbreaks of ethnic tensions and for the forced displacement of twenty thousand persons;

4. Also expresses its concern about discriminatory measures affecting persons belonging to minority groups;

5. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Zairian authorities;

(b) To report to the Commission, at its fiftieth session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

7. Decides to consider the question again at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/62. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in the field,

Recalling its relevant resolutions, including the most recent, resolution 1992/67 of 4 March 1992, as well as those of the General Assembly, including the most recent, resolution 47/146 of 18 December 1992, and those of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1992/15 of 27 August 1992,

Noting that the Government of the Islamic Republic of Iran has responded to the Special Representative's request for information concerning allegations of human rights violations in that country but for more than a year has not permitted the Special Representative to visit the country,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Recalling that in its resolution 1992/67 it requested the Special Representative to submit a final report on the human rights situation in the Islamic Republic of Iran to the Commission at its forty-ninth session,

Noting the Special Representative's assessment of the performance of the Islamic Republic of Iran regarding his various recommendations and his view

that during 1992 there was no appreciable progress in the Islamic Republic of Iran towards improved compliance with human rights standards in conformity with international instruments (see E/CN.4/1993/41),

Noting that the Sub-Commission, in its resolution 1992/15, condemned the continuing grave violations of human rights in the Islamic Republic of Iran,

1. Takes note with appreciation of the final report of the Special Representative of the Commission and the observations contained therein;

2. Expresses its deep concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative with regard to the human rights situation in the Islamic Republic of Iran, namely, the high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, the standard of the administration of justice, the lack of guarantees of due process of law, discriminatory treatment of certain groups of citizens for reason of their religious beliefs, notably the Baha'is, and restrictions on the freedom of expression, thought, opinion and the press, and that, as noted by the Special Representative, the situation of women leaves much to be desired;

4. Expresses its grave concern at the fact that, contrary to the Special Representative's recommendation, the application of the death penalty has not diminished but has increased;

5. Also expresses its grave concern that there are continuing threats to the life of a citizen of another State which appear to have the support of the Government of the Islamic Republic of Iran and whose case is mentioned in the report of the Special Representative;

6. Regrets that the Government of the Islamic Republic of Iran has not granted the request of the Special Representative to visit the country for more than a year;

7. Expresses its regret that, as the Special Representative concluded, the Islamic Republic of Iran has not given adequate follow-up to many of the recommendations contained in the previous reports;

8. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in his observations, in particular as regards the administration of justice and due process of law;

9. Also calls upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoy the rights recognized in these instruments;

10. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

11. Decides to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year;

12. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative;

13. Requests the Special Representative to submit an interim report to the General Assembly at its forty-eighth session on the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission at its fiftieth session;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue its consideration of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran, as a matter of priority, at its fiftieth session.

65th meeting
10 March 1993
[Adopted by a roll-call vote of 23 to 11, with 14 abstentions. See chap. XII.]

1993/63. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1992/61 of 3 March 1992 regarding, inter alia, the appointment of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 47/139 of 18 December 1992 regarding the situation of human rights in Cuba,

Recognizing with deep appreciation the efforts of the Secretary-General and of the Special Rapporteur to carry out the mandate concerning the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Noting with deep regret the failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to permit him to visit Cuba in order to fulfil his mandate,

Deeply concerned at arbitrary arrests, beatings, imprisonment, harassment and governmentally organized mob attacks on human rights defenders and others who are engaged in the peaceful exercise of their rights, and noting with particular concern that Cuba increased its repression against leaders of several human rights groups in Cuba on United Nations Human Rights Day, 10 December 1992,

Profoundly concerned at continued violations in Cuba of fundamental human rights and individual liberties enumerated in the Universal Declaration of Human Rights, such as the freedoms of movement, thought, religion and conscience, opinion and expression, assembly and association, and rights associated with the administration of justice,

Having considered the report on the situation of human rights in Cuba submitted by the Special Rapporteur (E/CN.4/1993/39),

1. Commends and endorses the report of the Special Rapporteur;

2. Calls upon the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. Expresses particular concern that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. Regrets profoundly the numerous unanswered reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Rapporteur, and expresses particular concern at mounting intolerance for freedom of speech and assembly in Cuba;

5. Calls upon the Government of Cuba to carry out the seven measures recommended in the report of the Special Rapporteur to bring the observance of human rights and fundamental freedoms in Cuba up to universally recognized standards in accordance with international law and applicable human rights instruments and to end all violations of human rights, including in particular the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights;

6. Affirms and extends the mandate of the Special Rapporteur for one year;

7. Requests the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba as specified in past resolutions of the Commission;

8. Recommends that the existing mechanisms of the Commission on Human Rights, in particular the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture, in the discharge of their mandates, continue to give attention to the situation in Cuba and, if appropriate, consider visiting Cuba;

9. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission mentioned in the present resolution to cooperate fully and exchange their information and findings on the situation of human rights in Cuba;

10. Requests the Secretary-General tc provide all necessary assistance to the Special Rapporteur;

11. Requests the Special Rapporteur to carry out his mandate bearing in mind, inter alia, the Universal Declaration of Human Rights, to submit an interim report to the General Assembly at its forty-eighth session and to report to the Commission at its fiftieth session on the results of his endeavours pursuant to the present resolution.

65th meeting
10 March 1993
[Adopted by a roll-call vote of 27 to 10, with 15 abstentions. See chap. XII.]

1993/64. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991 and 1992/59 of 3 March 1992 and taking note of the note by the Secretary-General on this question (E/CN.4/1993/38),

1. Urges Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. Requests all representatives of United Nations human rights bodies as well as treaty bodies monitoring the observance of human rights to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. Also requests all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. Further requests such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. Requests the Secretary-General to draw the attention of such representatives to the present resolution;

6. Invites the Secretary-General to submit to the Commission at its fiftieth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in paragraph 1 of the present resolution;

7. Decides to consider the question again at its fiftieth session.

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/65. Situation of human rights in Albania

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that the human rights situation in Albania has been under consideration by the Commission on Human Rights since 1984 under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Bearing in mind that, in its resolution 1988/17 of 2 March 1988, the Commission, acting under paragraph 8 of Council resolution 1503 (XLVIII), decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure provided for in Council resolution 1235 (XLII) of 6 June 1967,

Recalling its resolutions 1989/69 of 8 March 1989, 1990/49 of 6 March 1990, 1991/76 of 6 March 1991 and 1992/69 of 4 March 1992,

Taking note of the report of the Secretary-General (E/CN.4/1993/43) submitted pursuant to Commission resolution 1992/69,

Welcoming the positive steps being taken by the Government of Albania to guarantee and promote the observance of human rights in Albania,

Welcoming also the willingness of the Government of Albania to cooperate with the Commission on Human Rights and the Centre for Human Rights,

1. Calls upon the Government of Albania to continue to adopt legislative and administrative measures to meet all the requirements under the International Bill of Human Rights and other relevant international instruments, by which freedom, democracy and the rule of law will be further consolidated and the human rights and fundamental freedoms of all Albanian citizens, including the rights of persons belonging to minorities, will be effectively promoted and guaranteed;

2. Encourages technical cooperation between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Albania, on the other, on the basis of the Agreement concluded on 13 February 1992;

3. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite the Government to provide information regarding its implementation;

(b) To report to the Commission at its fiftieth session on the implementation of the present resolution;

4. Decides to continue its consideration of the human rights situation in Albania at its fiftieth session under the agenda item "Advisory services in the field of human rights".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/66. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions, as well as resolution 47/141 of 18 December 1992 and all other relevant resolutions of the General Assembly and the relevant decisions of the Economic and Social Council,

Bearing in mind, in particular, its resolution 1992/68 of 4 March 1992, by which it decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and to request him to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session, and Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council approved the Commission's decision,

Noting that, following the demise of the former Afghan Government, a Transitional Islamic State of Afghanistan was established,

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation affecting mainly the civilian population, which is still the target of indiscriminate military attacks by

rival groups, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and has also caused a dramatic rise in the number of persons displaced inside the country,

Concerned that the prevailing situation in the country as regards the political and legal order is affecting the security of members of ethnic and religious minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, to liberty and security of person and to freedom of opinion, expression and association,

Concerned at reports of detainees who are being held for political reasons by rival groups, among whom are several members of the former Government who are allegedly being held in inhumane conditions,

Noting that much remains to be done for the treatment of prisoners to be in conformity with the provisions of the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Welcoming the return of over one and a half million refugees to Afghanistan since April 1992, and expressing the hope that conditions in Afghanistan will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the successful repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Affirming that the declaration of general amnesty issued by the Islamic State of Afghanistan should be applied in a strictly non-discriminatory manner and that prisoners detained by rival groups without trial on Afghan territory should be released unconditionally,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1993/42) and of the conclusions and recommendations contained therein,

Noting that due to security considerations the Special Rapporteur has been unable to visit Kabul for the second consecutive time,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular, to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and genuine elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Welcomes the meeting of the parties to the conflict held recently in Islamabad with the support of some neighbouring and interested Governments in order to promote peace and reconciliation in Afghanistan;

5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

6. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons against the civilian population, to protect all civilians from acts of reprisal and violence, including ill-treatment, torture and summary executions, and to expedite the simultaneous release of prisoners wherever they may be held;

7. Calls upon all States and parties concerned to make all efforts for the realization of General Assembly decision 47/428 of 16 December 1992, entitled "Prisoners of war and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the immediate release of all prisoners of war, and in particular of former Soviet prisoners of war as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

8. Urges the unconditional release of all prisoners detained without trial on the Afghan territory by rival groups;

9. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared during the conflict, to apply

amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected or convicted persons article 14, paragraphs 3 (d), 5, 6 and 7 of the International Covenant on Civil and Political Rights;

10. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

11. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

12. Also urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

13. Strongly urges all the parties to the conflict to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, in order to avoid further deplorable incidents such as those which have caused loss of life among that personnel;

14. Urges the authorities in Afghanistan to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

15. Decides to extend the mandate of the Special Rapporteur for one year, and requests him to report on the situation of human rights in Afghanistan to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session;

16. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

17. Decides to continue its consideration of the human rights situation in Afghanistan as a matter of high priority, under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/67. Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned at the ongoing practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law pertaining to the protection of human rights, and particularly the Universal Declaration of Human Rights, in addition to their flagrant violation of the relevant provisions of international humanitarian law as set forth in the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 and The Hague Convention IV of 1907,

Deeply regretting Israel's failure to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Deeply disturbed at Israel's deportation of 415 Palestinians to the occupied territory of southern Lebanon, which constitutes a further violation of Lebanese sovereignty, and at Israel's refusal to implement Security Council resolution 799 (1992) of 18 December 1992 demanding the immediate return home of the Palestinian deportees,

Affirming Israel's full responsibility for the Palestinian deportees,

Reaffirming that the continued occupation and the practices of the Israeli forces constitute violations of the relevant Security Council resolutions, of the will of the international community and of the conventions in force in this regard,

Hoping for a continuation of the peace negotiations with a view to a settlement of the conflict in the Middle East through the achievement of a just, comprehensive and lasting peace in the region, and affirming that Israel's continued violations of human rights are hampering the steps and efforts that are being undertaken to achieve peace in the Middle East,

Gravely concerned at the fact that the International Committee of the Red Cross and other humanitarian organizations are being prevented from fulfilling their humanitarian tasks in the occupied territory of southern Lebanon, and in particular from investigating the reports received concerning ill-treatment of detainees at the Khiyam and Marjayoun detention centres,

Reaffirming its resolution 1992/70 of 4 March 1992, and expressing its deep regret at Israel's failure to implement that resolution,

1. Condemns the ongoing Israeli violations of human rights in southern Lebanon consisting, in particular, in the arbitrary detention of civilians, the demolition of their homes, the confiscation of their property, their expulsion from the occupied territory, the bombardment of civilian villages and areas, and other practices which violate human rights;

2. Demands that Israel put an immediate end to those practices and implement Security Council resolutions 425 (1978) and 509 (1982) calling for Israel's immediate, full and unconditional withdrawal from all Lebanese territory and respect for Lebanon's sovereignty, independence and territorial integrity;

3. Also demands that Israel put an immediate end to the policy of forced deportation and implement Security Council resolution 799 (1992);

4. Further demands that the Government of Israel, as the occupying Power in southern Lebanon, comply with the Geneva Conventions of 12 August 1949, particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

5. Demands that the Government of Israel, as the occupying Power in southern Lebanon, facilitate the humanitarian task of the International Committee of the Red Cross and other humanitarian organizations in this region and, in particular, permit those organizations to visit the detention centres at Khiyam and Marjayoun and examine the situation of the persons detained there;

6. Requests the Secretary-General:

(a) To inform the Government of Israel of the present resolution and call upon it to provide information concerning the extent of its compliance therewith;

(b) To report to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session on the results of his endeavours in this regard;

7. Decides to continue the consideration of the question at its fiftieth session.

65th meeting
10 March 1993
[Adopted by 50 votes to 1. See chap. XII.]

1993/68. Situation of human rights in Haiti

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have a duty to promote human rights and to fulfil their obligations under the various human rights instruments,

Recalling its resolution 1992/77 of 5 March 1992,

Taking account of the report (E/CN.4/1993/47) of Mr. Marco Tulio Bruni Celli, the Special Rapporteur, appointed by the Chairman of the Commission at its forty-eighth session,

Recalling General Assembly resolutions 46/7 of 11 October 1991, 46/138 of 17 December 1991, 47/20 of 24 November 1992 and 47/143 of 18 December 1992,

Deeply concerned about the serious events that have occurred in Haiti since 29 September 1991 which have abruptly and violently interrupted the democratic process in that country, entailing the loss of human lives and the violation of human rights,

Concerned at the mass exodus of Haitian nationals fleeing the country because of the deterioration in the political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, reports of torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Welcoming the recent dispatch of an international civilian observer mission of the United Nations and the Organization of American States to monitor the observance of human rights in Haiti,

Aware that the Commission must continue to keep a close watch on the situation of human rights in Haiti,

1. Expresses its appreciation to the Special Rapporteur for his report on the situation of human rights in Haiti and endorses the recommendations it contains;

2. Strongly condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, and the use of violence and military coercion and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its deep concern about the substantial deterioration of the human rights situation in Haiti since the coup d'état of September 1991

and the resulting increase in violations of the human rights embodied in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

4. Condemns once again the continuing seriousness of the human rights situation in 1992, characterized by murders, disappearances and assassinations, preventive repression, persecution, arbitrary detentions, torture, extortion of protection money from citizens by security agents, abandonment of legislative programmes, re-emergence of the section chiefs, prohibition of demonstrations and police repression of all acts of protest against the de facto regime;

5. Expresses its full support for the international civilian observer mission of the United Nations and the Organization of American States responsible for monitoring the observance of human rights in Haiti, and awaits the outcome of the mission with interest;

6. Draws the attention of the international community to the fate of the Haitian nationals who are fleeing the country, and requests its support for the efforts undertaken to assist them;

7. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for its work in favour of Haitian nationals, and invites Member States to continue giving material and financial support to those efforts;

8. Calls upon States Members of the United Nations and other international organizations to increase their humanitarian assistance to the people of Haiti, to support all efforts to resolve the problems of displaced persons and to encourage the strengthening of institutional coordination among the specialized agencies and between the United Nations and the Organization of American States;

9. Decides to extend for a further year the mandate of the Special Rapporteur, as established in Commission resolution 1992/77;

10. Stresses the importance of establishing the necessary cooperation between the Special Rapporteur of the Commission and the international civilian observer mission of the United Nations and the Organization of American States in order to further the fulfilment of their mandates, and in that connection emphasizes the contribution that the Centre for Human Rights can make;

11. Requests the Special Rapporteur to submit a provisional report on the situation of human rights in Haiti to the General Assembly at its forty-eighth session and a final report to the Commission on Human Rights at its fiftieth session;

12. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the performance of his mandate;

13. Decides to continue its consideration of the situation of human rights in Haiti at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/69. Situation in Equatorial Guinea

The Commission on Human Rights,

Recalling its resolution 1992/79 of 5 March 1992,

Bearing in mind that the Economic and Social Council, in its resolution 1982/36 of 7 May 1982, took note of the Plan of Action proposed by the United Nations and accepted by the Government of Equatorial Guinea, which was based on the recommendations submitted by Mr. Fernando Volio Jiménez, the Expert appointed by the Secretary-General pursuant to Commission on Human Rights resolution 33 (XXXVI) of 11 March 1980,

Considering that the 1982 Plan of Action has never been satisfactorily implemented by the Government despite the assistance and the advice given by the Centre for Human Rights,

Noting with satisfaction that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

Taking into account that the Government of Equatorial Guinea has an obligation to submit periodic reports to the Committee on Economic, Social and Cultural Rights and the Human Rights Committee and that its initial reports are overdue,

Mindful that it is essential that all the political tendencies, including the opposition parties, should play an active role,

Pointing out that the reasons given by the refugees for not returning to Equatorial Guinea are the lack of an overall political solution and the fact that a broad-based government with full respect for human rights and fundamental freedoms has not been established,

Taking note of the fact that, even very recently, the authorities have successively arrested and ill-treated political opponents who had returned to their country, availing themselves of the promises given by the President of the Republic himself to facilitate the return of exiles to their country, under a plan of return prepared by the churches of Equatorial Guinea and the exiles,

Taking note of the report of the Expert (E/CN.4/1993/48), which indicates that the human rights situation in Equatorial Guinea has continued to deteriorate seriously,

Mindful that it is essential to put an end to the serious deterioration of the human rights situation in Equatorial Guinea,

1. Commends the excellent work done during the past fourteen years by Mr. Fernando Volio Jiménez for the promotion and protection of human rights in Equatorial Guinea;

2. Expresses its serious concern at the persistence of politically motivated violations of human rights, such as arbitrary arrests and the application to political prisoners of torture and other cruel, inhuman and degrading treatment or punishment, and the lack of cooperation with the Expert;

3. Expresses its concern at the fact that, despite having approved it, the Government has never implemented the Plan of Action prepared by the Expert in 1980 and has not yet approved the emergency plan of action prepared by the Expert in 1992 (E/CN.4/1992/51, para. 125);

4. Deplores the situation of women in Equatorial Guinea, as revealed by the report of the Expert;

5. Calls upon the Government of Equatorial Guinea to put an end to the use of military courts for trying ordinary law offences and to permit the establishment of an independent judiciary;

6. Also calls upon the Government of Equatorial Guinea to take all necessary measures to promote harmonious coexistence of the peoples forming the society of Equatorial Guinea;

7. Further calls upon the Government of Equatorial Guinea to free all political prisoners and to take, as soon as possible, legislative and administrative measures satisfying the requirements laid down in the International Bill of Human Rights and in other relevant international instruments, and providing for the establishment of freedom, democracy and the rule of law, as well as the promotion and effective protection of the human rights and fundamental freedoms of all citizens of Equatorial Guinea;

8. Encourages the Government of Equatorial Guinea to endeavour to facilitate the return of exiles and refugees and to adopt measures permitting the full participation of all citizens in the country's political, economic, social and cultural affairs, thus helping to resolve the shortage of specialized personnel, as indicated in the report of the Expert;

9. Requests its Chairman, following consultations with the Bureau, to appoint an individual of recognized international standing in the field of human rights who is entirely familiar with the situation in Equatorial Guinea as special rapporteur of the Commission, with a mandate to make a thorough study of the violations of human rights by the Government of Equatorial Guinea

on the basis of all the information which he considers relevant, including information furnished by intergovernmental and non-governmental organizations and by private individuals and, in particular, any documentation provided by the Government of Equatorial Guinea;

10. Urges the Government of Equatorial Guinea to propose to the International Committee of the Red Cross the conclusion of an agreement for the purpose of enabling the Committee to make periodic visits to prisons and civil and military detention centres, including cells in which persons are held incommunicado;

11. Also urges the Government of Equatorial Guinea to continue negotiations with the opposition with a view to establishing the bases for the democratic process in Equatorial Guinea;

12. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

13. Requests the Special Rapporteur to report to the Commission at its fiftieth session;

14. Decides to consider the question at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories", unless there is a significant improvement in the situation of human rights and fundamental freedoms in Equatorial Guinea.

65th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/70. Human rights and mass exoduses

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Noting that the report of the Secretary-General entitled "An agenda for peace" (A/47/277) identifies the protection of human rights as an important element of peace, security and economic well-being and highlights the importance of preventive diplomacy,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, by these sudden displacements of population,

Recalling General Assembly resolution 44/164 of 15 December 1989, in which the Assembly reaffirmed its support for the recommendation of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees (A/41/324, annex) that the principal organs of the United Nations should make fuller use of their respective competences under the Charter of the United Nations for the prevention of new massive flows of refugees and displaced persons,

Recalling also its resolution 1992/63 of 3 March 1992 and its previous relevant resolutions, as well as those of the General Assembly,

Noting with interest that the Secretary-General, in "An agenda for peace", identifies the linkage between preventive diplomacy and humanitarian assistance and recognizes that preventive diplomacy requires an early warning capacity,

Noting also that the Secretary-General, in his report on the strengthening of the coordination of humanitarian emergency assistance of the United Nations (A/47/595), states that in complex emergencies, humanitarian assistance is essential but must be complemented by measures to address the root causes of such emergencies and that the establishment of the inter-agency consultation on early warning serves the purposes of both prevention and preparedness,

Noting that the General Assembly, in its resolution 47/105 of 16 December 1992, welcomed the commitment of the United Nations High Commissioner for Refugees, bearing in mind her mandate and responsibilities, to explore and undertake activities aimed at preventing conditions that give rise to refugee outflows and encouraged the High Commissioner to continue her efforts to increase cooperation with the Commission on Human Rights, the Centre for Human Rights and relevant organizations,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons,

Noting that in its resolution 47/105 the General Assembly strongly deplored ethnic and other forms of intolerance as one of the major causes of forced migratory movements and urged States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities,

Recalling that the General Assembly, in its resolution 46/127 of 17 December 1991, invited the Commission to keep the question of human rights and mass exoduses under review with a view to supporting the early-warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Cooperation to Avert New Flows of Refugees, including, inter alia, the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, religion or language;

3. Recalls its resolution 1985/40 of 13 March 1985, and recommends that special rapporteurs, special representatives and working groups studying situations of violation of human rights pay attention to problems resulting in mass exoduses of populations and, where appropriate, report and make relevant recommendations to the Commission on Human Rights;

4. Requests all United Nations bodies, including the United Nations human rights treaty bodies, the specialized agencies and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission, and, in particular, to provide them with all relevant and accurate information in their possession on the human rights situations creating or affecting refugees and displaced persons within their mandates;

5. Notes that the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements, problems of protection and solutions;

6. Welcomes the High Commissioner's contributions to the deliberations of international human rights bodies and encourages her to seek ways to make these contributions even more effective;

7. Takes note of General Assembly resolution 46/127, in which the Assembly noted that mass movements of population were caused by multiple and complex factors;

8. Welcomes the statement made by the United Nations High Commissioner for Refugees at its 50th meeting, on 3 March 1993, in which she emphasized the need for early response by the international community to human rights situations which threaten to generate refugees and displaced persons, or which impede their voluntary return;

9. Invites the United Nations High Commissioner for Refugees to address the Commission at its fiftieth session;

10. Encourages States that have not already done so to accede to the 1951 Convention relating to the Status of Refugees and the Protocol thereto of 1967;

11. Urges the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area by, inter alia, the designation of the Department of Humanitarian Affairs as the focal point for early warning in this area and strengthened coordination between relevant offices of the Secretariat concerned with early warning and organizations of the United Nations system, for the purpose of ensuring, inter alia, that effective action is taken to identify human rights abuses which contribute to mass outflows of persons;

12. Welcomes the decision by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation related to possible flows of refugees and displaced persons, based on the sharing and analysis of relevant information between United Nations bodies, and the development of collective recommendations for action to alleviate, inter alia, the possible causes of new flows of refugees and displaced persons;

13. Also welcomes the decision by the Administrative Committee on Coordination to designate the Department of Humanitarian Affairs as the focal point of the United Nations inter-agency early-warning consultation;

14. Urges the Department of Humanitarian Affairs to take the necessary steps to function effectively as the focal point of the inter-agency early-warning consultation;

15. Urges all the bodies involved in the inter-agency consultation to cooperate fully in, and devote the necessary resources to, the successful operation of the consultation;

16. Requests the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and non-governmental organizations for information and to prepare, within existing resources, and submit to the Commission at its fiftieth session a report outlining the principal developments in the United Nations system with regard to early warning and preventive diplomacy since the issuance of "An agenda for peace", paying particular attention to early warning and preventive diplomacy in the areas of human rights and humanitarian assistance;

17. Decides to continue its consideration of the question at its fiftieth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission" under a sub-item entitled "Human rights, mass exoduses and the displaced".

65th meeting
10 March 1993

[Adopted without a vote. See chap XII.]

1993/71. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions on the subject of summary and arbitrary executions, of which the latest is 47/136 of 18 December 1992,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or arbitrary executions,

Recalling the other standards which form the legal justification of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including those enumerated in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136,

Welcoming the cooperation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Commission on Crime Prevention and Criminal Justice with regard to questions relating to extrajudicial, summary or arbitrary executions,

Also welcoming the Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (United Nations publication, Sales No. E.91.IV.1),

Deeply alarmed at the occurrence, on a large scale, of extrajudicial, summary or arbitrary executions,

Welcoming the attention given to situations of public manifestations, internal violence, disturbances, tensions and public emergency by the Special Rapporteur in his report (E/CN.4/1993/46) in view of the needless loss of life consequent upon the level of violence in many such situations,

Convinced of the need for appropriate action to combat and eventually to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns once again the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Appeals urgently to Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to take effective action to combat and eliminate the phenomenon of extrajudicial, summary or arbitrary executions;

3. Welcomes the appointment, in accordance with paragraph 5 of Commission on Human Rights resolution 1992/72 and Economic and Social Council decision 1992/242 of 20 July 1992, of Mr. Bacre Waly Ndiaye as the new Special Rapporteur for extrajudicial, summary or arbitrary executions;

4. Takes note with appreciation of the report of the Special Rapporteur and welcomes his recommendations with a view to eliminating extrajudicial, summary or arbitrary executions;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission on Human Rights;

6. Also requests the Special Rapporteur in his next report to pay special attention to extrajudicial, summary or orarbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations;

7. Urges Governments to undertake all necessary and possible measures to lower the level of violence and the needless loss of life consequent thereupon during situations of public manifestations, internal violence, disturbances, tensions and public emergency;

8. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments;

9. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

10. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

11. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations to initiate, coordinate or support programmes designed to train and educate law enforcement officers and government officials on human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

12. Reiterates the obligation of all Governments to see to it that all alleged violations of the right to life are properly investigated, including all suspected cases of extrajudicial, arbitrary and summary executions, with a view to bringing to justice those responsible for violations of the right to life, bearing in mind the norms and principles contained in the pertinent international instruments;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur, in particular by strengthening the human and material resources placed at the disposal of the Special Rapporteur, within the overall framework of the regular budget of the United Nations;

14. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur, as well as recommendations made by him;

15. Urges all Governments, in particular those which consistently have not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively;

16. Requests the Special Rapporteur to enhance his dialogue with Governments by following up on communications dispatched to Governments transmitting allegations of extrajudicial, summary or arbitrary executions and allegations of imminent or threatened executions, as well as by following up on recommendations made by the Special Rapporteur in reports on on-site visits to particular countries;

17. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in this regard;

18. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him and invites them to report to the Special Rapporteur on action taken on these recommendations;

19. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

20. Decides to consider the question as a matter of high priority at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/72. Situation of human rights in Romania

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Recalling its resolution 1992/64 of 3 March 1992,

Welcoming the efforts of the Government of Romania during the past three years to promote respect for human rights and recent measures it has taken to that end,

Having considered the report of the Secretary-General (E/CN.4/1993/40),

Recognizing the need to continue to promote a climate favourable to establishing a social order based on full respect for human rights and fundamental freedoms in Romania,

1. Takes note with appreciation of the reply of the Government of Romania concerning measures taken to guarantee and promote the implementation of human rights in that country contained in the report of the Secretary-General (see, E/CN.4/1993/40, sect. I);

2. Welcomes the steps taken to establish in Romania a democratic and pluralist system of government based on respect for human rights and the rule of law;

3. Also welcomes the declared ambition of the Government of Romania to fulfil the obligations undertaken under the international conventions and instruments to which it is a party and whose objectives are, inter alia, to prevent discrimination based on race, colour, national origin or religion;

4. Takes note of the fact that respect for human rights in general is improving in Romania, although shortcomings remain to be overcome as regards implementation of constitutional and legislative rules by local authorities, inter alia relating to the protection of persons belonging to national minorities;

5. Urges the Government and authorities of Romania to continue their efforts to ensure respect for human rights in all their aspects in the country, both de jure and de facto;

6. Takes note with appreciation of the positive attitude of the Government of Romania and its declared readiness to continue to cooperate with the Commission on Human Rights;

7. Welcomes the close cooperation between the Government and authorities of Romania and the Centre for Human Rights in the field of advisory services, particularly the ongoing implementation of the agreement between the Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, on the one hand, and the Government of Romania, on the other, providing for publications, training, education, seminars, workshops, fellowships, advisory services of experts and support for national institutions, given for a period of two to three years beginning 1 October 1991;

8. Encourages the Government and authorities of Romania and the Centre for Human Rights to continue their cooperation in the field of advisory services;

9. Requests the Secretary-General to invite the Government of Romania to provide information regarding the implementation of the present resolution, and to forward such information, together with relevant information from intergovernmental and non-governmental organizations, to the Commission on Human Rights;

10. Decides to continue its consideration of assistance to the Government of Romania in the field of human rights at its fiftieth session under the agenda item "Advisory services in the field of human rights".

66th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/73. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Aware that, in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all, and that the Universal Declaration of Human Rights states that the will of the people shall be the basis of the authority of government,

Noting with particular concern in this regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 has not yet reached its conclusion and that the Government still has not implemented its commitments to take all necessary steps towards democracy in the light of the results of those elections,

Deploring that many political leaders, in particular elected representatives, remain deprived of their liberty and that Daw Aung San Suu Kyi, Nobel Peace Prize laureate, is still under house arrest,

Regretting in this context that the Nobel Peace Prize laureates were not allowed to enter Myanmar to meet with Daw Aung San Suu Kyi,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 12 August 1949, in particular the Convention relative to the Protection of Civilian Persons in Time of War, the release of a certain number of political prisoners and the reopening of universities,

Expressing its deep concern at the violations of human rights in Myanmar which remain extremely serious, in particular those concerning the practice of torture, summary and arbitrary execution, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups,

Noting that this situation has resulted in flows of refugees towards neighbouring countries,

Deeply concerned at the continuous problems created in neighbouring countries by the exodus of refugees from Myanmar, including almost two hundred and fifty thousand Myanmar Muslim refugees to Bangladesh,

Concerned at the absence of guarantees for the physical integrity and well-being of returnees,

Having examined the reports of the Working Group on Arbitrary Detention (E/CN.4/1992/20), the Special Rapporteur on the question of torture (E/CN.4/1993/26) and the Special Rapporteur on the question of religious intolerance (E/CN.4/1993/62),

Recalling its resolution 1992/58 of 3 March 1992, in which it decided to nominate a special rapporteur to establish direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar,

Taking note of General Assembly resolution 47/144 of 18 December 1992 concerning the situation of human rights in Myanmar,

Noting that the Special Rapporteur has visited Myanmar at the invitation of the Government of Myanmar,

Deploring, however, that in spite of the provisions of resolution 1992/58 requesting the Myanmar authorities to extend their full and unreserved cooperation to the Special Rapporteur, he has been denied access to some persons, in particular detainees, including Daw Aung San Suu Kyi, and that a number of persons wishing to provide testimony have been subjected to intimidation or harassment,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1993/37) and the conclusions and recommendations contained therein;

2. Deplores the continued seriousness of the situation of human rights in Myanmar, and in particular the fact that a number of political leaders, including Daw Aung San Suu Kyi and other leaders of the National League for Democracy, remain deprived of their liberty;

3. Urges the Government of Myanmar to take, in conformity with the assurances given at various times, firm steps towards the establishment of a democratic State and to adopt the measures recommended in General Assembly resolution 47/144;

4. Notes with concern in this respect that the National Convention created to prepare basic elements for the drafting of a new constitution is meeting, having excluded most of the representatives duly elected in 1990, and also notes with concern that one of its objectives is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State;

5. Urges the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights, and to accelerate the process of transition to democracy, in particular through convening the Parliament elected in May 1990, lifting restraining orders placed on a number of political leaders, releasing those who are detained, ensuring that political parties can function normally and lifting restrictions on the right of association and assembly, as well as the right to freedom of opinion and expression;

6. Strongly urges the Government of Myanmar to restore full respect for human rights and fundamental freedoms, to restore the protection of persons belonging to minority groups, notably against discrimination concerning them, especially in the framework of citizenship laws, and to put an end to violations of the right to life and integrity of the human being, to the practices of torture, abuse of women and forced labour and to enforced disappearance and summary executions;

7. Calls upon the Government of Myanmar to consider lifting emergency measures, which should cease to be the basis of law;

8. Reminds the Government of Myanmar of its responsibility to investigate alleged cases of human rights violations committed by its agents on its territory, to bring them to justice, to prosecute them and to punish those found guilty, in all circumstances;

9. Urges the Government of Myanmar to release unconditionally and to ensure the physical integrity of the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, detained without trial for the last four years, as well as other detained political leaders and all political prisoners;

10. Appeals to the Government of Myanmar to consider becoming a party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

11. Also appeals to the Government of Myanmar to fulfil its obligations as a State party to the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) of the International Labour Organisation;

12. Requests the Government of Myanmar to ensure that all persons, without discrimination, are afforded the minimum guarantees for a fair trail, according to due process of law and in conformity with applicable international standards, that laws are given due publicity and that the principle of non-retroactivity of laws is respected;

13. Calls upon the Government of Myanmar to create the necessary conditions that would end the flow of Myanmar refugees to neighbouring countries, and to facilitate their early repatriation and their full reintegration, in conditions of safety and dignity, in particular through cooperation with the Office of the United Nations High Commissioner for Refugees;

14. Invites the Government of Myanmar to fully respect its obligations under the Geneva Conventions of 12 August 1949, in particular their common article 3, and to resort to the services of impartial humanitarian bodies;

15. Calls upon the authorities of Myanmar to give particular attention to prison conditions in the country's jails;

16. Decides to extend for one year the mandate of the Special Rapporteur to establish or continue direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and requests him to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session;

17. Urges the Government of Myanmar to extend in the future its full and unreserved cooperation to the Commission and the Special Rapporteur and, to this end, to ensure that the Special Rapporteur has effectively free access to any person in Myanmar whom he deems appropriate to meet in the performance of his mandate;

18. Decides to keep the matter under review at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/74. Situation of human rights in Iraq

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Recalling in particular its resolution 1991/74 of 6 March 1991, in which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the special rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling further its pertinent resolutions condemning the flagrant violations of human rights by the Government of Iraq, including the most recent, resolution 1992/71 of 5 March 1992, by which it extended the mandate of the Special Rapporteur for a further year and requested him in pursuing his

mandate to visit again the northern area of Iraq, in particular, and to submit an interim report to the General Assembly at its forty-seventh session and a final report to the Commission at its forty-ninth session,

Recalling General Assembly resolutions 46/134 of 17 December 1991, in which the Assembly expressed its deep concern at the flagrant violations of human rights by the Government of Iraq, and 47/145 of 18 December 1992, in which the Assembly decided to continue the examination of the situation of human rights in Iraq at its forty-eighth session in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council,

Deeply concerned by the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression and of association, as well as of the existence of specific and serious discrimination within the country in terms of access to food and health care,

Deeply concerned at the fact that chemical weapons have been used on the Iraqi civilian population, at the forced displacement of hundreds of thousands of Kurds and at the destruction of Iraqi towns and villages, as well as at the fact that tens of thousands of displaced Kurds have to take refuge in camps and shelters in the north of Iraq and at the deportation of thousands of Kurdish families,

Deeply concerned also that the severe and grave violations of human rights by the Government of Iraq have led to a deterioration of the situation of the civilian population in southern Iraq, in particular in the southern marshes,

Regretting that the Government of Iraq has not seen fit to respond to the formal request of the Special Rapporteur on the situation of human rights in Iraq to visit Iraq, and noting that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, such cooperation needs to be improved, in particular by giving full replies to the inquiries of the Special Rapporteur,

Expressing concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcoming the Special Rapporteur's proposal for the deployment of a team of human rights monitors,

1. Takes note with appreciation of the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1993/45) and the conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights, of the gravest nature, for which the Government of Iraq is responsible, resulting in an all-pervasive order of repression and oppression which is sustained by broad-based discrimination and widespread terror, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and mass graves throughout Iraq, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marsh area;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrests and detention, including of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, to abide by its freely undertaken obligations under the Covenants and under other international instruments on human rights, and particularly to respect and ensure the rights of all individuals irrespective of their origin within its territory and subject to its jurisdiction;

4. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

5. Urges the Government of Iraq to set up an independent commission of inquiry and to take all necessary steps to cooperate closely with the Working Group on Enforced or Involuntary Disappearances to look into the fate of tens of thousands of disappeared persons;

6. Also urges the Government of Iraq to take immediate steps to bring the action of its security apparatus into line with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

7. Expresses its special alarm at the repressive policies and practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

8. Also expresses its special alarm at the continued policy of discriminatory and repressive acts against the Shiah communities and the civilian population in southern Iraq, which is the result of a preconceived policy against the marsh Arabs;

9. Further expresses its special alarm at all internal embargoes which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon

Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

10. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations for improving the situation of human rights in Iraq;

11. Requests the Secretary-General, in consultation with the Special Rapporteur, to take the necessary measures in order to send human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq;

12. Decides to extend for a further year the mandate of the Special Rapporteur as contained in Commission resolutions 1991/74 and 1992/71;

13. Urges the Government of Iraq to accord its full cooperation to the Special Rapporteur, notably during his next visit to Iraq;

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its forty-eighth session and a report to the Commission at its fiftieth session on the situation of human rights in Iraq;

15. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the sending of human rights monitors;

16. Also requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to perform his task;

17. Decides to continue its consideration of the situation of human rights in Iraq, under the same agenda item, at its fiftieth session.

66th meeting
10 March 1993
[Adopted by a roll-call vote of 36 to 1, with 15 abstentions. See chap. XII.]

1993/75. Situation of human rights in Togo

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Emphasizing that Togo is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights,

Deeply deploring the repeated acts of violence that have occurred, most recently in January 1993, for which the Togolese authorities are responsible and which have resulted in many civilians being killed or wounded,

Concerned about the situation of human rights in Togo, in particular about the use of force during peaceful gatherings,

Noting that hundreds of thousands of Togolese have fled to neighbouring Ghana or Benin,

Noting with interest the declaration on the situation in Togo made at the fifty-seventh ordinary session of the Council of Ministers of the Organization of African Unity, held at Addis Ababa from 15 to 19 February 1993, and the efforts at conciliation between the parties in Togo made at the Colmar meeting held on 8 and 9 February 1993 under the auspices of the French and German Governments,

Having examined the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46), which describes serious violations of human rights in Togo,

1. Deplores the serious obstacles standing in the way of the process of democratic transition and encourages additional efforts to ensure the continuation of this process, in full respect for human rights and fundamental freedoms;

2. Also deplores the use of violence by the armed forces against peaceful demonstrators, which has claimed many victims;

3. Calls upon the authorities in Togo to take all necessary measures to create conditions conducive to the return of Togolese refugees in neighbouring countries in complete security and dignity and to guarantee the security of all Togolese, including political opponents;

4. Encourages the efforts made at the regional and international levels to facilitate the resumption of the democratization process in a climate of security and respect for human rights;

5. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Togolese authorities and to request them to indicate, as soon as possible, the action taken in pursuance of the present resolution;

(b) To report to the Commission, at its fiftieth session, on the basis of any information which might be gathered on the situation of human rights in Togo, including information supplied by non-governmental organizations;

6. Decides to consider the question at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/76. Human rights violations in Bougainville

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the International Bill of Human Rights and other international instruments in the field of human rights,

Recalling that, in accordance with article 13, paragraph 2, of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992,

Recalling the need for scrupulous respect for the principle of the non-use of force or threat of the use of force in international relations as developed in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, set forth in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970,

Gravely concerned at the loss of life, the damage to property and the negative effects on the economy and culture of Bougainville owing to the present situation,

1. Urges the Government of Papua New Guinea to permit international fact-finding missions access to Papua New Guinea, particularly including Bougainville, to assist with the resolution of the conflict with due consideration for the Universal Declaration of Human Rights, the Charter of the United Nations and other relevant international treaties to which the Government of Papua New Guinea is a party;

2. Also urges the Government of Papua New Guinea to recommence negotiations with all factions of the Bougainville peoples with a view to achieving peace and a mutually satisfactory solution to the armed conflict in Bougainville;

3. Requests the Secretary-General to transmit to the Commission on Human Rights information made available to him on the situation in Bougainville by the Government of Papua New Guinea and other reliable sources for consideration at its fiftieth session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/77. Forced evictions

The Commission on Human Rights,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1991/12 of 26 August 1991,

Also recalling its own resolution 1992/10 of 21 February 1992, in which it took note with particular interest of General Comment No. 4 (1991) on the right to adequate housing (E/1992/23, annex III), adopted on 12 December 1991 by the Committee on Economic, Social and Cultural Rights at its sixth session, and the reaffirmed importance attached in this framework to respect for human dignity and the principle of non-discrimination,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations statistics, in excess of one billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and in inadequate housing and living conditions,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors,

Emphasizing that the ultimate legal responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other

things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Mindful of the questions concerning forced evictions included in the guidelines for States' reports submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1991/23, annex IV),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4, considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Taking note of the observations of the Committee on Economic, Social and Cultural Rights at its fifth and sixth sessions concerning forced evictions,

Taking note also of the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper on the right to adequate housing, prepared by the expert, Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15),

Taking note further of Sub-Commission resolution 1992/14 of 27 August 1992,

1. Affirms that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

2. Urges Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced eviction;

3. Also urges Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes and needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;

5. Requests the Secretary-General to transmit the present resolution to Governments, relevant United Nations bodies, including the United Nations Centre on Human Settlements, the specialized agencies, regional, intergovernmental and non-governmental organizations and community-based organizations, soliciting their views and comments;

6. Also requests the Secretary-General to compile an analytical report on the practice of forced evictions, based on an analysis of international law

and jurisprudence and information submitted in accordance with paragraph 5 of the present resolution, and to submit his report to the Commission at its fiftieth session;

7. Decides to consider the analytical report at its fiftieth session, under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XII.]

1993/78. Implementation of the Convention on the Rights of the Child

The Commission on Human Rights,

Recalling General Assembly resolution 47/112 of 16 December 1992 and its own resolution 1992/75 of 5 March 1992,

Reaffirming that the rights of children require special protection and call for continuous improvement of their situation all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations Children's Fund and of the United Nations in promoting the well-being of children and their development,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Having considered the report of the Secretary-General on the status of the Convention on the Rights of the Child (E/CN.4/1993/65),

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

2. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

3. Calls upon all States that have not done so to sign, ratify or accede to the Convention as a matter of priority;

4. Requests the Secretary-General to continue to provide all facilities and assistance necessary for the dissemination of information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention, as well as to promote the full realization of its principles and provisions;

5. Expresses its alarm at persistent reports that massive violations of the rights of the child continue worldwide;

6. Urges States parties to take immediate steps to ensure strict compliance with their obligations under the Convention;

7. Appeals again to States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law;

8. Recognizes the important functions of the Committee on the Rights of the Child in overseeing the effective implementation of the provisions of the Convention;

9. Welcomes the constructive and useful results achieved by the Committee on the Rights of the Child during its first three sessions;

10. Takes note of the consideration by the Committee during its third session of the first reports of States parties;

11. Welcomes the decision of the Committee at its second session to consider the reservations and declarations entered by States parties to the Convention when examining the reports of the States parties, with a view to encouraging the withdrawal of those reservations and declarations no longer considered necessary;

12. Also welcomes the decision of the Committee at its third session to recommend that the General Assembly initiate a study, in accordance with article 45 (c) of the Convention, on children in armed conflicts;

13. Requests the Secretary-General to continue to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee on the Rights of the Child;

14. Welcomes General Assembly resolution 47/112, in which the Assembly approved the recommendation of the meeting of the States parties to the Convention on 11 November 1992 regarding the organization of the work of the Committee and the establishment of a pre-sessional working group;

15. Expresses concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties faced by it in the fulfilment of its functions;

16. Takes note with interest of the methods of work established by the Committee on the Rights of the Child, including the adoption of an urgent action procedure;

17. Invites bodies and organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and promoting its understanding;

18. Requests the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its fiftieth session;

19. Decides to consider the report of the Secretary-General at its fiftieth session under the agenda item "Rights of the child".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/79. Programme of Action for the Elimination of the Exploitation of Child Labour

The Commission on Human Rights,

Recalling the principles embodied in the Convention on the Rights of the Child,

Bearing in mind its resolutions 1991/54 and 1991/55 of 6 March 1991 and 1992/74 of 5 March 1992,

Having examined the report of the Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34 and Corr.1), and especially the draft programme of action for the elimination of the exploitation of child labour contained in annex I to that report, which the Sub-Commission on Prevention of Discrimination and Protection of Minorities transmitted to the Commission by its resolution 1992/2 of 14 August 1992,

Having also examined section I.B of the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67),

Bearing in mind decision 1990/6 on children in particularly difficult circumstances adopted by the Executive Board of the United Nations Children's Fund at its 1990 session,

Deeply concerned at the information on the generalization of the exploitation of child labour,

Conscious of the harm that this practice causes to children all over the world,

Noting with appreciation the programmes for the elimination of the exploitation of child labour adopted by the International Labour Organisation,

Aware of the need to adopt urgent measures to prevent and eliminate these problems,

1. Adopts the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which is annexed to the present resolution;

2. Recommends that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels;

3. Urges United Nations bodies and intergovernmental organizations concerned, such as the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, to bear the Programme of Action in mind when deciding on their policies and formulating programmes relating to the child population and the family;

4. Also urges non-governmental organizations to base themselves on the Programme of Action when performing activities relating to their mandates;

5. Invites the Committee on the Rights of the Child to study the possibility of bearing the Programme of Action in mind when considering reports submitted by States parties to the Convention on the Rights of the Child and, in general, in connection with all activities that it carries out in accordance with its mandate;

6. Invites the Special Rapporteur on the sale of children to bear the Programme of Action in mind when carrying out activities in accordance with his mandate;

7. Requests all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures;

8. Requests the Sub-Commission to submit to the Commission on Human Rights every two years a progress report on the implementation of the Programme of Action by all States;

9. Requests the Under-Secretary-General for Human Rights to provide the Sub-Commission with the cooperation needed to fulfil the present mandate;

10. Decides to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

ANNEX

Programme of Action for the Elimination of the Exploitation of Child Labour

General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.

2. This phenomenon, which is both complex and worldwide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned, until poverty is overcome, to exploitation. Underdevelopment cannot justify exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.

3. High priority should be given to the elimination of the most odious or degrading forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations or for enforced begging and debt bondage.

4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.

5. Action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age,

with a view to the total elimination of child labour as prohibited by the provisions of the relevant international instruments.

6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the apartheid regime.

7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the exploitation of child labour. Elimination of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.

8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.

9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the children who are the invisible victims of parallel employment networks. At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. Public and private institutions and agencies dealing with children who have been victims of labour exploitation should be encouraged to keep appropriate statistical information for scientific purposes, while respecting anonymity and confidentiality. The information campaign should also be able to reach children directly, in order to inform them of their rights and make them aware of the risks they run.

Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Education is one of the most effective measures to prevent child labour. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well as measures to combat school wastage and to develop vocational training, in the form, for example, of a system of apprenticeship, are extremely

necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families, and in particular of women.

Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of the elimination of child labour. These urgent measures should be backed up by programmes of social rehabilitation.

Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment by the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of the Minimum Age Convention, 1973 (No. 138) of the International Labour Organisation, States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". National legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law, as well as providing for the establishment of an effective labour inspection system. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration on the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959, and more particularly:

(a) Principle 2, according to which "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity ...;"

(b) Principle 9, according to which "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form ...".

16. States should consider the possibility of ratifying, as soon as possible, the Convention on the Rights of the Child adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and in this context should fully implement, in particular, article 32, which reads as follows:

> "1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
>
> "2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
>
> (a) Provide for a minimum age or minimum ages for admission to employment;
>
> (b) Provide for appropriate regulation of the hours and conditions of employment;
>
> (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Over forty countries have ratified the Minimum Age Convention, 1973 (No. 138) of the International Labour Organisation. Those that have not done so should take appropriate steps to ratify that Convention. In this connection, greater assistance from the International Labour Organisation should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should adopt and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States should, until such time as child labour is eliminated, pay specific attention to the issue of protection of working children and make recommendations on ways and means to ensure that their working conditions are kept under scrutiny and control.

20. States which have not already done so should review their legislation in the field of child labour with a view to the absolute prohibition of the employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

(c) Night work;

(d) Work in dangerous or unhealthy conditions;

(e) Activities linked with prostitution, pornography and other forms of sexual trade and exploitation;

(f) Work concerned with trafficking in and production of illicit drugs;

(g) Work involving degrading or cruel treatment.

21. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs, or in armed conflicts or military activities, or any other form of conflict.

22. Member States should be encouraged to strengthen cooperation between police and all public and private organizations which deal with cases of exploitation of child labour either within or outside the family, to facilitate identification of cases of exploitation of child labour and to take measures necessary to eliminate it.

23. States should, where necessary, undertake development programmes with a view to:

(a) Making primary education compulsory and available free to all;

(b) Assisting and encouraging families in order that their children may continue their education, in order to combat illiteracy and the phenomenon of school drop-outs; and, until such time as primary education is compulsory and available free to all, developing school programmes, including part-time education programmes, adapted to the needs of children who are not in school;

(c) Adapting school curricula to the preparation of a child for a career;

(d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;

(e) Establishing or improving medical services for children.

24. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given in national and regional plans for economic and social development to the occupational training of young people. National development plans should also include a section devoted particularly to the employment of young people and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

25. All Member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation. Particular efforts should be made to stress the importance of family values.

Role of United Nations bodies and specialized agencies

26. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other United Nations bodies and specialized agencies, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, should develop and/or reinforce their activities in the field of child labour.

27. All competent United Nations bodies and specialized agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local subcontractors.

28. The United Nations and the specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

29. While the question of exploitation of child labour should primarily be dealt with by the International Labour Organisation, the United Nations human rights bodies should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery should continue to have responsibility in this field.

30. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative

research on the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

31. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

32. The Secretary-General should invite all United Nations bodies and specialized agencies to attach greater importance to eliminating the exploitation of child labour and to study and discuss this issue at forthcoming international conferences, with special emphasis being placed on it at major conferences.

33. An international child welfare fund should be established. The resources of the fund would be allocated to combat violations of the rights provided for in the Convention on the Rights of the Child, particularly the rights of those children living in especially difficult circumstances, such as orphans and street children, refugees or displaced persons, victims of war and of natural and man-made disasters, including such perils as exposure to radiation and dangerous chemicals, children of migrant workers and other socially disadvantaged groups, child workers or youth trapped in the bondage of prostitution, sexual abuse and other forms of exploitation, disabled children and juvenile delinquents and victims of apartheid and foreign occupation. Such children deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation.

Cooperation at the local, national and international levels

34. Major steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness amongst children, parents, workers, trade unions and employers of the causes and the adverse effects of child labour and measures to combat its exploitation. Such steps could include wider dissemination of relevant international instruments translated, where appropriate, into languages other than the official languages of the United Nations, as well as the development and strengthening of existing norms.

35. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

36. The United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of national and international trade unions.

37. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

38. Concerned United Nations bodies and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups in countries where child labour exists.

39. Members of the international community should cooperate in order to assist developing countries in creating conditions under which child labour could be entirely eliminated.

1993/80. Application of international standards concerning the human rights of detained juveniles

The Commission on Human Rights,

Bearing in mind the Convention on the Rights of the Child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989,

Recalling article 1 of the Convention, which extends the protection of its provisions to "every human being below the age of eighteen years",

Taking into account articles 37 and 40 of the Convention on the Rights of the Child, which regulate the detention of young offenders who have infringed the penal law,

Bearing in mind the work done by the Committee on the Rights of the Child in supervising the due implementation of the Convention, and specifically articles 37 and 40 thereof,

Recalling the important instruments adopted by the United Nations in the area of the administration of juvenile justice,

Bearing in mind Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/25, of 27 August 1992,

Concerned that, because of the great vulnerability of juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, violations of the human rights of detained juveniles have serious and far-reaching consequences for the juveniles concerned and for society,

1. Congratulates the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its sustained concern for detained juveniles;

2. Notes with thanks the final report prepared by the Special Rapporteur of the Sub-Commission, Mrs. Mary Concepción Bautista, on this subject (E/CN.4/Sub.2/1992/20) and the addendum to the report containing the note by the Secretary-General on the question of detained juveniles;

3. Welcomes the proposal by the Secretary-General (E/CN.4/Sub.2/1992/20/Add.1) to organize, within the framework of the programme of human rights activities for 1994, a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles;

4. Expresses the wish that the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery and the Working Group on Detention of the Sub-Commission should be represented at the meeting of experts, together with the specialized non-governmental organizations, in particular those of juvenile court judges;

5. Endorses the request by the Sub-Commission to the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts;

6. Requests the Secretary-General to report on the results of the meeting to the Commission at its fifty-first session and to the Sub-Commission at its forty-sixth session;

7. Decides to consider the question of the application of international standards concerning the human rights of detained juveniles at its fiftieth session under the agenda item "Rights of the child".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/81. The plight of street children

The Commission on Human Rights,

Recalling the Convention on the Rights of the Child as a major contribution to the protection of the rights of all children,

Recalling also the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, adopted by the World Summit for Children on 30 September 1990 (A/45/625, annex), the World Declaration on Education for All adopted by the World Conference on Education for All, held at Jomtien, Thailand, from 5 to 9 March 1990, chapter 25 of Agenda 21 adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, and General Assembly resolution 47/126 of 18 December 1992,

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection and that children living under

especially difficult conditions, for example on the street, deserve special attention, protection and assistance from their families and communities as well as on a national and international level,

Profoundly concerned that the killing of and violence against street children deprives them of, or threatens, the most fundamental right of all, the right to life,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned over the growing number of street children worldwide and the squalid conditions in which these children are forced to live,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and the administration of justice,

Welcoming the efforts taken by some Governments to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Taking note with appreciation of the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation, and aware that serious socio-economic difficulties can aggravate these problems,

Reaffirming that international cooperation can help to improve the quality of life of children in every country,

1. Expresses grave concern at the growing number of incidents worldwide and reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive ways to prevent the marginalization of children in society and the emergence of the phenomenon of street children;

3. Also urges Governments, meanwhile, to take measures to restore street children's full participation in society, to involve street children in the development of such programmes and to provide, inter alia, adequate nutrition, shelter, health care and education;

4. Calls upon all States that have not done so to become parties to the Convention on the Rights of the Child as a matter of priority;

5. Emphasizes that strict compliance with the provisions of the Convention, which is obligatory for States parties, would constitute a significant step towards solving the problems of street children;

6. Encourages States parties to the Convention, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting or indicating their need for technical advice and assistance with initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

7. Invites Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate with each other and to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, the dissemination of information and the exchange of views;

8. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, by, among other measures, supporting development projects that can have a positive impact on the situation of street children;

9. Invites the Committee on the Rights of the Child to consider the possibility of a general comment on street children;

10. Recommends that the Committee on the Rights of the Child and other relevant treaty bodies bear this growing problem in mind when examining reports from States parties;

11. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

12. Decides to consider the question at its fiftieth session under the agenda item "Rights of the child".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/82. Special Rapporteur on the sale of children, child prostitution and child pornography

The Commission on Human Rights,

Recalling its resolution 1990/68 of 7 March 1990, by which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography,

Recalling also Economic and Social Council decision 1990/240 of 25 May 1990, by which the Council decided to request the Chairman of the Commission to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes,

Recalling further its resolution 1992/76 of 5 March 1992, by which the Commission decided to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/2 of 14 August 1992 on the report of its Working Group on Contemporary Forms of Slavery on its seventeenth session (E/CN.4/Sub.2/1992/34 and Corr.1), in which the Sub-Commission decided to transmit to the Commission the draft programme of action for the elimination of the exploitation of child labour,

Recalling the wide ratification of and accession to the Convention on the Rights of the Child and the meaningful role it can play in ensuring an effective protection of the rights of children,

Recalling also the adoption by the Commission in its resolution 1992/74 of 5 March 1992 of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Deeply concerned, however, about the persistence of the practices of the sale of children, child prostitution and child pornography in many parts of the world, which may also often constitute an exploitation of child labour,

Bearing in mind that the General Assembly by its resolution 44/82 of 8 December 1989 proclaimed 1994 as International Year of the Family and recognizing the important role the Commission can play in this regard,

Recognizing the need for a continuing exchange of information between the various mechanisms and bodies entrusted with the task of preventing and combating the practices of the sale of children, child prostitution and child pornography,

Recognizing also the need to build a network of contacts at both the national and international levels, including the governmental and non-governmental spheres,

Recognizing further the importance of preventing the involvement of children in armed conflicts and ensuring close cooperation with assistance and humanitarian organizations as well as with military entities,

Having considered the report of the Special Rapporteur on the sale of children (E/CN.4/1993/67 and Add.1) and the conclusions and recommendations contained therein,

1. Welcomes the report of the Special Rapporteur on the sale of children;

2. Endorses the conclusions and recommendations of the Special Rapporteur concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography;

3. Stresses the need for an effective multidisciplinary approach, at both the international and national levels;

4. Recognizes the important role that specialized agencies, non-governmental organizations and the community at large can play in order to ensure a greater awareness and more effective action in preventing the practices of the sale of children, child prostitution and child pornography, including by the dissemination of information and the teaching of children's rights;

5. Also recognizes the importance of strengthening the cooperation between international agencies dealing with development aid and assistance in the field of the rights of the child, in particular in the areas covered by the mandate of the Special Rapporteur;

6. Encourages Governments and national and international organizations to ensure a wide dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

7. Recognizes the important role the media can play in collecting and disseminating information on children's rights, in particular in the areas covered by the mandate of the Special Rapporteur;

8. Emphasizes the importance of ensuring the training on children's rights of those who are involved in actions concerning children, in particular the judiciary and law enforcement officials, and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations through the programme of advisory services in the field of human rights;

9. Encourages Governments and national and international educational organizations, including the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund, to develop programmes for the rights of the child in all areas of formal and non-formal education;

10. Recognizes the importance of promoting the adoption by the business sector of a code of conduct for child protection with a view to preventing and eliminating the sale of children, child prostitution and child pornography;

11. Reaffirms the need for strengthening and ensuring the effective implementation of a legal framework aimed at effectively protecting children's rights, as well as at providing appropriate remedies for children whose rights have been violated;

12. Encourages the establishment of bodies and institutions, both governmental and non-governmental, acting on behalf of the child in the light of his or her best interests;

13. Encourages Governments, national police and other law enforcement authorities to work closely with the International Criminal Police Organization to identify cases relevant to the Special Rapporteur's mandate and to ensure that effective action is taken to prevent and remedy criminal and other acts which give rise to child abuse and exploitation;

14. Endorses the recommendation of the Special Rapporteur that States should establish a national focal point to coordinate action on children's rights, including in the field of the sale of children, child prostitution and child pornography;

15. Encourages States to consider raising the age of recruitment to eighteen and prohibit the use of child soldiers;

16. Takes note with appreciation of the information provided by the Special Rapporteur on these areas as well as on the methods of work he has established;

17. Requests the Special Rapporteur, within the framework of his mandate, to continue to pay particular attention to areas which are still insufficiently documented and to set priorities of short and medium term in his recommendations to the Commission;

18. Also requests the Special Rapporteur, in carrying out his mandate, to continue to seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations;

19. Invites the Special Rapporteur to cooperate closely with the Committee on the Rights of the Child and with the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its Working Group on Contemporary Forms of Slavery as well as with other competent United Nations bodies dealing with questions covered by his mandate, including the Commission on Crime Prevention and Criminal Justice, and to this effect invites him to participate at the next sessions of those bodies;

20. Appeals to all Governments to cooperate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested, including by inviting the Special Rapporteur to undertake country field visits;

21. Expresses its thanks to the Governments which have invited the Special Rapporteur to visit their countries and asks them to give all necessary attention to his recommendations and to inform him of any action taken thereon;

22. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur in the full discharge of his mandate and in order to enable him to submit his report to the Commission at its fiftieth session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/83. Effects of armed conflicts on children's lives

The Commission on Human Rights,

Welcoming the promptness with which a large number of States have ratified the Convention on the Rights of the Child, which is evidence of unprecedented mobilization by the international community,

Noting in particular the fundamental importance of every child's inherent right to life, as recognized in article 6 of the Convention,

Reaffirming that this right is to be applied especially in times of armed conflict, when children's lives and physical integrity are particularly threatened,

Noting with interest that the Committee on the Rights of the Child, at its second session, decided to hold its first general discussion on the situation of children in armed conflicts (see CRC/C/10), thereby acknowledging the fundamental importance of this issue for the promotion and protection of children's rights and the role of the Convention in this regard,

Noting with consternation the very large number of innocent civilians who continue to be the victims of all forms of armed conflicts now taking place in the world,

Deploring the continued practice of enlisting children in the armed forces,

Deeply concerned at the alarming figures for deaths and serious injuries entailing life-long disability among children in areas of conflict,

Alarmed at the information that some particularly injurious weapons, especially anti-personnel mines, continue to strike long after conflicts have ended,

Noting with distress that children are often among the main victims of such weapons, and especially of anti-personnel mines,

Fully aware in this respect of the importance of operations for the effective detection, clearance and destruction of unremoved mines, operations that cannot be conducted without resources or special skills, and anxious to promote international cooperation in this field,

Noting the commitments entered into by States in fields pertaining to humanitarian law, and particularly the Geneva Conventions of 12 August 1949 and their Additional Protocols,

Recalling that, on the basis both of international humanitarian law and of the provisions of the Convention on the Rights of the Child, States must take all possible measures to ensure special protection and suitable care and the physical and psychological recovery, as well as the social reintegration, of children affected by an armed conflict,

Recalling also in this regard the specific commitments entered into by States that have ratified the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and particularly Protocol II, on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, and calling on States to consider ratifying these instruments,

1. Expresses its deep concern and indignation at the serious consequences of armed conflicts for children, directly or indirectly involved, who are often among the main victims of the indiscriminate use of anti-personnel mines;

2. Expresses its gratitude to the Committee on the Rights of the Child for the views expressed at its second session on the issue of children in armed conflicts, in particular on the need to strengthen preventive measures and to implement effective protection for children, and notes the recommendations made by the Committee at its third session on means of improving the protection of children from the adverse effects of armed conflicts (see CRC/C/16), including the recommendation made to the General Assembly to undertake a study in the light of article 45 (c) of the Convention;

3. Expresses its gratitude to the International Committee of the Red Cross for its efforts to foster awareness of the issue of anti-personnel mines;

4. Encourages efforts to promote international cooperation to assist in the detection and clearance of unremoved mines;

5. Requests all States to render full support to prevention of the indiscriminate use of anti-personnel mines and to protection and assistance for the victims;

6. Invites the relevant organizations of the United Nations system as well as other intergovernmental organizations to intensify their efforts to ensure that all possible assistance is given to child victims of anti-personnel mines, who are often disabled for life, with a view to their physical and psychological recovery and social reintegration, and also to support to this end the activities of non-governmental organizations in the field.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIV.]

1993/84. Conscientious objection to military service

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international human rights instruments, the Charter of the United Nations and humanitarian law,

Mindful of articles 3 and 18 of the Universal Declaration of Human Rights, which proclaim the right to life, liberty and security of person and the right to freedom of thought, conscience and religion,

Bearing in mind that it is recognized in the International Covenant on Civil and Political Rights that everyone has the right to freedom of thought, conscience and religion,

Recalling its resolution 1989/59 of 8 March 1989, in which it recognized the right of everyone to have conscientious objections to military service as a legitimate exercise of the right of freedom of thought, conscience and religion,

Bearing in mind General Assembly resolutions 34/151 of 17 December 1979, in which the Assembly designated 1985 as "International Youth Year: Participation, Development, Peace", 2037 (XX) of 7 December 1965, in which the Assembly stated that young people should be brought up with an understanding, and in the spirit, of peace, justice and respect for all persons, and 2447 (XXIII) of 19 December 1968,

Recalling its own resolution 40 (XXXVII) of 12 March 1981, in which it pointed to the need for a better understanding of the circumstances under which military service might be objected to on grounds of conscience,

Noting the important role of youth in the promotion of international peace and cooperation as well as of human rights and fundamental freedoms,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid and called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum, to persons compelled to leave their country solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces,

Recalling the comprehensive report on the question of conscientious objection to military service, containing conclusions and recommendations, submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session by Mr. Asbjorn Eide and Mr. C.L.C. Mubanga-Chipoya (United Nations publication, Sales No. E.85.XIV.1), which reflects the relevant international norms and standards embodied in various human rights instruments and describes State practice concerning voluntary or compulsory performance of military service, and the report of the Secretary-General (E/CN.4/1985/25 and Add.1-4) containing the comments of Governments, United Nations bodies and non-governmental organizations on that report,

Noting the developments concerning conscientious objection to military service on a regional level,

Taking into consideration that, although in some States no provision is made in the domestic legislation concerning the recognition of conscientious objection to military service, in practice such States provide for non-combatant service within the military framework and sometimes for alternative civilian service,

Recalling its resolution 1991/65 of 6 March 1991, in which it requested the Secretary-General to report to the Commission on the matter at its forty-ninth session,

Having considered the report of the Secretary-General (E/CN.4/1993/68 and Add.1-3), and thanking those Governments that provided comments to the Secretary-General,

Noting the final report on human rights and youth submitted by the Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1992/36), which draws attention to the continuing need for provision for conscientious objection to military service in many countries,

Aware that persons performing military service may develop conscientious objections,

Recognizing that conscientious objection to military service derives from principles and reasons of conscience, including profound convictions, arising from religious, ethical or similar motives,

1. Draws attention to the right of everyone to have conscientious objections to military service as a legitimate exercise of the right to freedom of thought, conscience and religion as laid down in article 18 of the Universal Declaration of Human Rights as well as article 18 of the International Covenant on Civil and Political Rights;

2. Affirms that persons performing compulsory military service should not be excluded from the right to have conscientious objections to military service;

3. Recognizes the fact that there exists various domestic legislation concerning conscientious objection to military service;

4. Appeals to States, if they have not already done so, to enact legislation and to take measures aimed at exemption from military service on the basis of a genuinely held conscientious objection to armed service;

5. Reminds States with a system of compulsory military service where such provision has not already been made of its recommendation that they introduce for conscientious objectors various forms of alternative service which are compatible with the reasons for conscientious objection, bearing in mind the experience of some States in this respect, and that they refrain from subjecting conscientious objectors to imprisonment;

6. Emphasizes that such forms of alternative service should be of a non-combatant or civilian character, in the public interest and not of a punitive nature;

7. Appeals to Member States, if they have not already done so, to establish within the framework of their national legal system independent and impartial decision-making bodies with the task of determining whether a conscientious objection is valid in a specific case;

8. Affirms the importance of the availability of information about the right to conscientious objection to military service and the means of acquiring conscientious objector status to all relevant persons affected by military service;

9. Requests the Secretary-General to transmit the text of the present resolution to all States Members of the United Nations and to include the right of conscientious objection to military service in the public information activities of the United Nations;

10. Also requests the Secretary-General to report to the Commission at its fifty-first session on the question of conscientious objection to military service, taking into account the comments provided by Governments and further information received by him;

11. Decides to consider this matter further at its fifty-first session under the agenda item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXVI.]

1993/85. Assistance to Georgia in the field of human rights

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Aware of its responsibility to promote and protect human rights and fundamental freedoms for all,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the programme of advisory services in the field of human rights, and its own resolution 1992/80 of 5 March 1992,

Concerned at the serious situation which gives rise to violations of human rights and fundamental freedoms of inhabitants of Georgia, including Abkhazia,

Noting with appreciation the efforts within the United Nations system in carrying out missions in Georgia,

Noting also with appreciation the efforts of the personal representative of the Chairman-in-office of the Conference on Security and Cooperation in Europe and his missions in the regions of South Ossetia and Abkhazia, and aware of the desirability of close coordination of all the efforts involved,

1. Recognizes the efforts made by the Government of Georgia to secure full enjoyment of human rights and fundamental freedoms for all its inhabitants;

2. Urges the Government of Georgia and the authorities in Abkhazia to intensify efforts to ensure that the human rights and fundamental freedoms of all inhabitants of Georgia are fully respected, inter alia by all security forces;

3. Welcomes the progressive trend of democratization set by the Government of Georgia;

4. Encourages the Government of Georgia to continue this process of democratization, including elections, and to guarantee and ensure the full enjoyment of human rights to all inhabitants of Georgia;

5. Appeals to the Government of Georgia to develop further legal and institutional measures to put an end to violence, including measures to terminate the existence of illegal paramilitary groups;

6. Welcomes the interest expressed by the Government of Georgia for support and technical assistance in the field of human rights, including the drafting of legal instruments, constitutional provisions for persons belonging to minorities and assistance in national elections;

7. Requests the Secretary-General to evaluate the needs for such support and technical assistance to the Government of Georgia through the provision of advisory services aimed at furthering legislation in constitutional and institutional matters and at providing national and local institutions with the necessary expertise to implement the international standards in the field of human rights, including the rights of persons belonging to minorities, in close contact with the Government and the citizens of Georgia;

8. Decides to examine the question again at its fiftieth session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/86. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by principles embodied in the Charter of the United Nations, the International Bill of Human Rights and other applicable human rights instruments,

Aware of the prevailing tragic circumstances in Somalia, particularly the lack of governmental authority and the resulting need for special measures to assure protection of human rights,

Commending the ongoing efforts in Somalia of the United Nations, its specialized agencies, humanitarian organizations and non-governmental organizations, as well as those of Governments,

Expressing its grave concern at attacks against the personnel of relief and other humanitarian organizations in Somalia, sometimes resulting in serious injuries or deaths,

Recalling Security Council resolutions 733 (1992) of 21 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992 and 794 (1992) of 3 December 1992, as well as related Security Council actions, General Assembly resolution 47/167 of 18 December 1992 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/11 of 26 August 1992,

Recognizing the right of the Somali people to take part in the governance of their country directly or through freely chosen representatives, including the right of equal access to public service,

Mindful that United Nations peace-keeping, peace-making and peace-building activities in some countries have benefited from human rights units that could be established within similar United Nations activities elsewhere,

Recognizing the constraints on the financial resources of the Centre for Human Rights,

1. Requests the Secretary-General to appoint for a period of one year a person having wide experience in the field of human rights as an independent expert, in his or her individual capacity, to assist the Special Representative of the Secretary-General for Somalia through development of a long-term programme of advisory services for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot;

2. Also requests the Secretary-General to give priority to implementing the programme recommended by the independent expert, as conditions in Somalia permit, including through the programme of advisory services of the Centre for Human Rights, in close cooperation with the Special Representative of the Secretary-General for Somalia, the United Nations peace-keeping operation in Somalia and other United Nations entities, such as the Electoral Assistance Unit, as well as humanitarian and non-governmental organizations;

3. Urges the Secretary-General to consider recommending the establishment of a unit within the United Nations operation in Somalia to assist in the promotion and protection of human rights and in encouraging respect for humanitarian law, as well as in the implementation of the recommendations of the independent expert;

4. Requests the Secretary-General to provide appropriate additional resources, within existing overall United Nations resources, to fund the activities of the independent expert and the Centre for Human Rights in implementing the present resolution;

5. Invites Governments and organizations in a position to do so to respond positively to requests for assistance by the Secretary-General under the present resolution;

6. Requests the independent expert to submit for consideration to the General Assembly at its forty-eighth session, to the Commission on Human Rights at its fiftieth session and, if needed, to the Economic and Social Council at its substantive session of 1994 a report on the conditions in Somalia and the implementation of the present resolution;

7. Decides to consider the question at its fiftieth session under the agenda item "Advisory services in the field of human rights".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/87. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, renamed Voluntary Fund for Technical Cooperation in the Field of Human Rights by Commission resolution 1991/49 of 5 March 1991,

Recalling its latest resolution on the subject, 1992/80 of 5 March 1992,

Taking note of the relevant provisions of resolutions adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, inter alia resolution 1991/35 of 29 August 1991, and of recommendations made in reports submitted to the Sub-Commission, inter alia, the report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1991/30 and Add.1-4) concerning advisory services,

Convinced of the need for the Secretary-General to intensify efforts to coordinate system-wide advisory services and technical assistance in the field of human rights through flexible inter-agency collaboration,

Convinced also of the need for the Centre for Human Rights to assume the functions of a focal point and clearing-house for inter-agency coordination with other organizations of the United Nations system,

Reaffirming that within the common context of the comprehensive programme of advisory services and technical cooperation, a clear distinction should be made between technical cooperation projects financed under the Voluntary Fund for Technical Cooperation in the Field of Human Rights and activities under the regular budget of the United Nations, while at the same time close coordination between these activities should be ensured,

Noting the importance of expert services, fellowships and scholarships, training courses and seminars under the programme of advisory services as forms of practical assistance to States with a view to ensuring the rule of law and to enabling them to develop the necessary mechanisms to meet international human rights standards,

Noting also that the Centre for Human Rights, in executing projects under the Voluntary Fund, gives priority to activities aimed at building up or strengthening national and regional institutions and infrastructures in the field of human rights,

Reaffirming that advisory services and technical cooperation activities may be a complement to, but never a substitute for, monitoring and investigative activities by the United Nations, as underlined in the report of the Secretary-General (E/CN.4/1992/49),

Welcoming increased cooperation and consultation within the Centre for Human Rights in assisting the Secretary-General to deal with requests submitted by Governments,

Convinced that the Centre for Human Rights needs clear criteria and methods of assessment, following the example of project guidelines which have been drawn up in conformity with approved practices of the United Nations Development Programme, in dealing with requests submitted by Governments,

Convinced also of the need for the Secretary-General to ensure that the introduction of up-to-date data-processing into the management of both the programme of advisory services and the Voluntary Fund is compatible with the information system development plans of the Centre for Human Rights and other relevant United Nations organizations,

Considering it advisable for the Secretary-General to give wide publicity to the possibilities that exist under the programme of advisory services and under the Voluntary Fund for providing technical cooperation in the field of human rights to Governments, at their request, for example through the production and dissemination of an information brochure,

Taking note with appreciation of the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1993/61 and Corr.1 and Add.1 and 2),

I. ACTIVITIES UNDER THE REGULAR BUDGET OF THE UNITED NATIONS

1. Reaffirms that the programme of advisory services in the field of human rights should continue to provide practical assistance in the implementation of international conventions on human rights to those States which indicate a need for such assistance;

2. Invites competent United Nations bodies, such as the committees set up under the International Covenants on Human Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Rights of the Child, to continue to make suggestions and proposals for the implementation of advisory services;

3. Requests the Secretary-General to give special attention to proposals made by United Nations human rights treaty bodies, special representatives and special rapporteurs, as well as working groups, and to report on follow-up activities undertaken as a result of such proposals;

4. Requests its special rapporteurs and representatives, as well as the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services;

5. Encourages Governments in need of advisory services in the field of human rights to avail themselves of the advisory services of experts in the field of human rights, for example, for drafting basic legal texts in conformity with international conventions on human rights;

6. Welcomes the increasing number of requests from Governments for advisory services in these areas;

7. Appeals to all Governments to consider making use of the possibility offered by the United Nations of organizing, under the programme of advisory services in the field of human rights, information and/or training courses at the national and regional level for appropriate government personnel on the full and effective application of international human rights standards;

8. Calls upon the Secretary-General to implement all activities under the programme of advisory services on the basis of clearly defined objectives and themes, taking into account the precise needs of the beneficiaries, as well as to follow up and evaluate them;

9. Requests the Secretary-General again to provide as a matter of urgency and in line with his report on the work of the Organization for 1992 (A/47/1), in which he stated, inter alia, that "the Charter of the United Nations places the promotion of human rights as one of our priority objectives", more human and financial resources for the enlargement of advisory services, within existing overall United Nations resources and particularly from section 07 of the regular budget concerning technical cooperation, in order to meet the substantially increased demand, in particular for training activities, such as fellowships, which have proven to be useful in raising awareness of human rights in all sectors of civil society and government, and the provision of expert services emanating from the mandates and recommendations of the Commission on Human Rights, competent human rights treaty bodies, special representatives, special rapporteurs, independent experts and working groups, as well as from requests by Governments;

10. Also requests the Secretary-General to pursue his efforts towards a comprehensive plan for advisory services and technical cooperation in the field of human rights, taking into account the comments and views expressed by Governments at the forty-eighth session of the Commission on Human Rights;

II. ACTIVITIES UNDER THE VOLUNTARY FUND FOR TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

11. Expresses its appreciation to the Secretary-General for the projects realized since the establishment of the Voluntary Fund for Technical Cooperation in the Field of Human Rights and to Governments and non-governmental organizations for their contributions, and invites other Governments and non-governmental organizations to consider contributing;

12. Emphasizes that the objective of the Voluntary Fund is to provide financial support for international cooperation aimed at building up and strengthening national and regional institutions and infrastructures which will have a long-term impact on improved implementation of international conventions and other international standards on human rights;

13. Welcomes the new global approach and the new policy developed by the Centre for Human Rights to address the specific demands of a requesting Government by carrying out a comprehensive needs assessment and developing an overall programme containing specific projects aimed at strengthening the human rights infrastructure of a country;

14. Encourages the Secretary-General to pay due attention to the particular needs of developing countries from all regions with a view to implementing the new global approach as outlined in the report of the Secretary-General (E/CN.4/1993/61, sect. I.C);

15. Underlines that any assistance through technical cooperation in the field of human rights under the Voluntary Fund has to be well prepared, and that there should be a regular follow-up between the involved national bodies and the Centre for Human Rights, to be reflected in the report of the Secretary-General;

16. Encourages the Secretary-General and the Centre for Human Rights to participate actively in the formulation of projects regarding technical cooperation in the field of human rights, in close consultation with the Governments concerned, taking into account relevant suggestions made by human rights treaty bodies, special rapporteurs and non-governmental organizations and efforts for wider cooperation at the regional level;

17. Takes note of the document annexed to the report of the Secretary-General (E/CN.4/1993/61, annex III), entitled "The role of boards of trustees in human rights assistance funds";

18. Requests the Secretary-General to appoint a board of trustees for the Voluntary Fund for Technical Cooperation, composed of five persons with wide experience in the field of human rights and in technical cooperation, acting in their personal capacity and selected in order to guarantee a broad scope of criteria and backgrounds with due regard to equitable geographic distribution, to advise the Secretary-General on the administration and operation of the Voluntary Fund;

19. Requests the Board of Trustees to assist the Secretary-General in particular in streamlining and rationalizing the working methods and procedures of the Voluntary Fund, including developing long-term policy guidelines, reviewing specific projects, reviewing all financial aspects of the Voluntary Fund with regard to transparency and accountability, relations and cooperation with other organizations with regard to project evaluation and follow-up, reviewing implementation of decisions of the Board of Trustees and reporting;

20. Also requests the Board of Trustees to promote and solicit contributions and pledges to the Voluntary Fund,

21. Requests the Secretary-General to include the report of the Board of Trustees on their activities in his annual report to the Commission on Human Rights on advisory services and technical cooperation;

22. Decides to review the arrangements of the Board of Trustees after a period of three years, taking into account comments by the Secretary-General in his future reports;

23. Invites the Centre for Human Rights to consider developing model projects for legal protection and the strengthening of the independence of the judiciary as part of the core activities of the Voluntary Fund, bearing in mind the need to adapt these projects to the particular needs of developing countries in all regions;

24. Also invites the Centre for Human Rights to give special attention to strengthening the capacity of national and regional institutions to collect and disseminate information on human rights and establish common practices for cooperation with the United Nations in this area;

25. Encourages Governments to seek contact and to cooperate with non-governmental human rights organizations in formulating and implementing programmes under the Voluntary Fund;

26. Requests the Secretary-General, with the assistance of the Board of Trustees, to guarantee transparency of the criteria applied and of the rules of procedure to be followed in carrying out technical cooperation in the field of human rights;

III. SYSTEM-WIDE COOPERATION

27. Requests the Secretary-General to explore yet further the possibilities offered by cooperation between the Centre for Human Rights and specialized bodies and other organizations of the United Nations system, such as the Centre for Social Development and Humanitarian Affairs, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Institute for Training and Research, the Office of the United Nations High Commissioner for Refugees, the United Nations Interregional Crime and Justice Research Institute, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and the World Bank;

28. Also requests the Secretary-General to bring the need for further technical cooperation in the legal field that has been indicated by a number of States to the attention of the United Nations bodies and the specialized agencies that are active in providing assistance in the field of development with a view to promoting human rights in the development strategies and policies of the United Nations system;

29. Encourages, in this regard, the Secretary-General to explore fully the possibilities for a system-wide use of model projects for legal protection and the independence of the judiciary to be developed by the Centre for Human Rights;

30. Also encourages the cooperation between the Centre for Human Rights and the United Nations Development Programme, and the leadership of both organizations to enhance further coordination and cooperation between them, in particular with a view to integrating, with the advice of the Commission on Human Rights, projects for strengthening human rights into the overall country programmes of the United Nations Development Programme and in order to prepare and execute jointly individual projects benefiting from the opportunities offered by resident representatives of the United Nations Development Programme;

31. Requests the Secretary-General to report annually to the Commission on Human Rights on the progress made in the implementation of the programme of advisory services and technical assistance in the field of human rights and, in a distinct part of his annual report, on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/88. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reiterating that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms, even under exceptional circumstances,

Recalling its resolution 1992/78 of 5 March 1992,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/18 of 27 August 1992,

Having considered the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46),

Having considered also the report of the independent expert, Mr. Christian Tomuschat (E/CN.4/1993/10 and Corr.1), and studied the conclusions and recommendations contained therein,

Deeply concerned by the fact that, according to the independent expert, human rights violations are still occurring in Guatemala, particularly crimes against the lives and physical integrity of individuals,

Taking into account the fact that the continuation of the internal armed conflict is a factor affecting the human rights situation in Guatemala,

Taking note of the recent legal and institutional reforms introduced by the Government with a view to combating impunity and guaranteeing the full enjoyment of human rights and fundamental freedoms for everyone in Guatemala,

Concerned by the fact that, according to the information provided by the independent expert, there continue to be human rights violations attributed to members of the armed forces and to the so-called voluntary civil self-defence committees, particularly in rural areas,

Concerned also by the fact that situations of impunity continue to exist and that in cases of human rights violations there has been no progress in the investigations and/or judicial proceedings,

Concerned further at the situation of the displaced population in the areas affected by the internal armed conflict,

Taking note of the award of the 1992 Nobel Peace Prize to Ms. Rigoberta Menchú,

Regretting the serious human rights violations still being committed against the indigenous populations in Guatemala,

Considering that the economic and social situation continues to have serious consequences for the most vulnerable sectors of Guatemalan society, particularly the indigenous populations, women and children,

Taking note with satisfaction of the process of repatriation of refugees that was initiated at the beginning of this year, and recognizing the efforts of the Ad Hoc Committee for Aid to Returnees and the National Fund for Peace,

Expressing the hope that the will shown by the Government and by the Unidad Revolucionaria Nacional Guatemalteca will lead to a prompt settlement of the internal armed conflict, through the conclusion of the negotiations in the near future and the signing of the human rights agreement, with immediate international verification, which alone can lead to respect for the human rights of the whole of the Guatemalan people,

Taking note of the Government's initiative in accelerating the process of negotiation and of the proposal by the Unidad Revolucionaria Nacional Guatemalteca,

Considering that it is necessary for the international community to continue to keep the human rights situation in Guatemala under review and to provide advisory services in the field of human rights, with a view to promoting full respect for human rights and fundamental freedoms and supporting the efforts of the Government of Guatemala to that end,

1. Takes note with appreciation of the report submitted by the independent expert;

2. Expresses its gratitude to the Government of Guatemala for the facilities and cooperation afforded to the independent expert;

3. Recognizes the efforts made by the President, Mr. Jorge Serrano Elías, to improve the human rights situation;

4. Regrets the fact that, despite the undertaking by the Government of Guatemala to guarantee full enjoyment of human rights and fundamental freedoms, serious violations continue to occur, particularly crimes against the lives and physical integrity of individuals;

5. Urges both parties to respect the rules of international humanitarian law in the internal armed conflict and to refrain from any activities that may endanger the rights of the great majority of Guatemalans, who are not involved in this conflict;

6. Urges the Government of Guatemala to intensify investigations aimed at identifying and bringing to justice all those responsible for violations of human rights, to facilitate the activities of organizations, both official and non-governmental, concerned with the promotion and protection of human rights, and to ensure that the judicial system can operate with due protection being afforded to judges, investigators, witnesses and the relatives of victims;

7. Again exhorts the Government of Guatemala to continue to apply the independent expert's recommendations, including the abolition of the system of civil self-defence committees and other paramilitary groups, in the light, inter alia, of the development of the peace negotiations;

8. Appeals to the Government of Guatemala to intensify its efforts to ensure that all its authorities and the armed and security forces fully respect the human rights and fundamental freedoms of the Guatemalan people;

9. Again exhorts the Government of Guatemala to expedite and further develop legal and institutional reforms to put an end to the violence and impunity, paying particular attention to the situation of the indigenous population and the special situation of street children;

10. Recognizes the positive work done in defence of human rights by the Human Rights Procurator and encourages the Government to give him support and to guarantee the conditions for the strengthening of his activities;

11. Welcomes the establishment of the Presidential Coordinating Commission on Executive Policy in the Field of Human Rights and the independent expert's recommendation that that Commission should be the focal point for the coordination of the Government's efforts to comply with its international obligations in the field of human rights;

12. Expresses its satisfaction at the initiation of the process of repatriation of refugees and appeals to the competent authorities to guarantee that this process continues with full consideration for the well-being and dignity of all persons concerned;

13. Invites the Government of Guatemala to give priority also to economic and social development programmes and to strengthen policies and programmes concerning the indigenous population of Guatemala, taking into account their proposals and aspirations, together with the independent expert's recommendations on the subject;

14. Welcomes the talks between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, which were resumed on 23 February 1993 with the mediation of the Conciliator and the Representative of the Secretary-General;

15. Expresses the hope that these talks will lead to a reactivation of the comprehensive process of peace negotiations;

16. Urges both parties, as part of this process, to conclude and apply without delay the human rights agreement, with the corresponding machinery for international verification;

17. Requests the Secretary-General to continue to provide the Government of Guatemala and non-governmental organizations with advisory services in the field of human rights;

18. Also requests the Secretary-General to extend the mandate of the independent expert so that he may continue to examine the situation of human rights in Guatemala and provide assistance to the Government in the field of human rights and submit to the Commission at its fiftieth session a report assessing the measures taken by the Government in accordance with the recommendations made to it;

19. Decides to consider the question at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item "Advisory services in

the field of human rights", in the light of the adoption and application of specific and significant measures by the Government, the effectiveness of which will be assessed in the report of the independent expert on the situation of human rights in Guatemala.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXI.]

1993/89. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organisation and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling General Assembly resolution 45/158 of 18 December 1990, in which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Recalling that the General Assembly, in its resolution 47/110 of 16 December 1992, requested the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the status of the Convention,

Recalling its resolution 1991/60 of 6 March 1991, in which it encouraged the Secretary-General to assume an active role in disseminating information on, and promoting, the Convention through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights and in cooperation with interested United Nations bodies,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1993/51);

2. Urges all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

3. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

4. Invites specialized agencies and other organizations of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts with a view to disseminating information on the Convention and to promoting understanding thereof;

5. Requests the Secretary-General to submit to the Commission on Human Rights at its fiftieth session a report on the status of the Convention;

6. Decides to include in the provisional agenda for the fiftieth session of the Commission the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

67th meeting
10 March 1993
[Adopted without a vote. See chap. XIII.]

1993/90. Movement and dumping of toxic and dangerous products and wastes

The Commission on Human Rights,

Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990 and 1991/47 of 5 March 1991,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991,

Recalling further resolutions CM/Res.1153 (XLVIII) of 1988 and CM/Res.1225 (L) of 1989 adopted by the Council of Ministers of the Organization of African Unity concerning the dumping of nuclear and industrial wastes in Africa,

Bearing in mind the Bamako Convention on the Ban of the Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movements of Such Wastes Generated in Africa, adopted by the Organization of African Unity Pan-African Conference on Environment and Sustainable Development in Africa, held at Bamako from 23 to 30 January 1991,

Taking note of resolution GC(XXXIII)/RES/509 on the dumping of nuclear wastes and resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 29 September 1989 and 21 September 1990 respectively by the General Conference of the International Atomic Energy Agency, and the decision of the General Conference to keep the question of the international transboundary movements of radioactive waste under active review, including the desirability of concluding a legally binding instrument under the auspices of the International Atomic Energy Agency,

Taking into account Agenda 21 adopted by the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992 (A/CONF.151/26, vol. II), especially chapters 19, 20, 21 and 22 related to environmentally sound management of toxic chemicals and hazardous, solid and radioactive wastes, including prevention of illegal international traffic in toxic products and hazardous wastes, and the principles proclaimed in the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I),

Taking note of the Final Act of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal adopted on 22 March 1989,

Aware of the growing practice of the dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes which they cannot dispose of within their territories of operation,

Aware also of the potential health and ecological hazards underlying the movement and dumping of toxic and dangerous products and wastes,

Gravely concerned at the recently reported illegal disposal of hazardous and harmful wastes in Africa,

Desirous of promoting the implementation and strict observance of the provisions of existing international instruments and principles governing the transboundary movement and dumping of toxic and dangerous products and wastes,

1. Welcomes the Final Declaration adopted at Tunis by the Regional Meeting for Africa of the World Conference on Human Rights (A/CONF.157/AFRM/14-A/CONF.157/PC/57, chap. I), especially where it relates to the environmental consequences of the dumping of toxic and dangerous products and wastes, and its effects to human life;

2. Reaffirms the request made by the First Meeting of the Conference of the Parties to the Basel Convention in its decision I/20 to the industrialized countries to prohibit the export of hazardous and other wastes to parties which have prohibited their import and to non-parties;

3. Invites all Governments to take legislative and other appropriate measures with a view to preventing illegal international traffic in toxic and dangerous products;

4. Invites the United Nations Environment Programme, the International Labour Organisation, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals, including the question of their transboundary movement;

5. Urges the international community to give the necessary support to African and other developing countries in their efforts to implement the provisions of the existing international and regional instruments governing the transboundary movement and dumping of toxic and dangerous products and wastes;

6. Decides to continue consideration of the question of the movement and dumping of toxic and dangerous products and wastes, including prevention of illegal traffic, at its fifty-first session under the agenda item "Human rights and scientific and technological developments".

67th meeting
10 March 1993
[Adopted by a roll-call vote of 34 to 1, with 17 abstentions. See chap. XIV.]

1993/91. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection its resolution 1991/45 of 5 March 1991 entitled "Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms",

Referring to Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/104 of 14 August 1992 regarding this question,

Recognizing the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. Invites Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights;

2. Invites States to inform the Secretary-General of legislative or other measures taken to this effect, including the possible establishment of national consultative bodies, with a view to promoting exchanges of experience between such institutions;

3. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the agenda item "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and to make recommendations to that effect;

4. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at the fifty-first session.

67th meeting
10 March 1993
[Adopted without a vote. See chap. XIV.]

1993/92. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1992/82 of 6 March 1992, in which it authorized further meetings of the working group and noted the progress it had achieved,

Conscious of the importance of taking into account the opinions of all States and of interested intergovernmental and non-governmental organizations, before finalizing the draft declaration,

Noting with satisfaction the progress made by the open-ended working group during its meetings prior to and during the forty-ninth session of the Commission,

1. Takes note of the report of the working group (E/CN.4/1993/64);

2. Urges the working group to make every effort to complete its task and submit the draft declaration to the Commission at its fiftieth session;

3. Requests the Secretary-General to circulate the report, including the first reading text, to the Governments of all States Members of the United Nations and members of competent specialized agencies, and to interested intergovernmental and non-governmental organizations, with an invitation to submit written comments on the first reading text (E/CN.4/1993/64, annex I) for consideration by the working group at its next session;

4. Decides to continue at its fiftieth session its work on the elaboration of the draft declaration;

5. Also decides to make available appropriate meeting time for the working group prior to and during the fiftieth session of the Commission;

6. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

67th meeting
10 March 1993
[Adopted without a vote. See chap. XXIII.]

1993/93. Human rights in El Salvador

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling General Assembly resolution 47/140 of 18 December 1992,

Recalling also its resolution 1992/62 of 3 March 1992, in which it emphasized that the Peace Agreements are an historic event of supreme importance to El Salvador,

Having considered the report of the independent expert (E/CN.4/1993/11),

Emphasizing the extraordinary significance of the fact that the war has ended and that the achievement of peace is seen as irreversible,

Convinced that the Peace Agreements concluded on 16 January 1992 at Chapultepec, Mexico, between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional reflect a profound national aspiration for peace and justice, and that scrupulous compliance therewith will not only permit an end to the armed conflict through political means but also lay the bases for major political, legal, economic and social changes involving all sectors of the country in building a democratic society working for a common cause, and will be conducive to national reconciliation,

Welcoming the significant progress so far achieved in implementing the Peace Agreements, and stressing that it is important for the parties to make the utmost effort to comply fully therewith,

Noting with satisfaction the cessation of hostilities and the integration of the Frente Farabundo Martí para la Liberación Nacional as a political party into the civil and institutional life of the country,

Welcoming the signing on 17 February 1993 of the agreements and principles of the Forum for Economic and Social Consultation proposed in the Peace Agreements,

Recognizing that the work of the Secretary-General of the United Nations and his representatives and the monitoring carried out by the United Nations Observer Mission in El Salvador have contributed significantly to understanding between the parties and to progress in the fulfilment of the commitments made,

Considering that the Governments which make up the Group of Friends of the Secretary-General have reiterated their determination to continue to support the work of the Secretary-General until the full and comprehensive implementation of all the Peace Agreements is achieved in El Salvador,

Aware that the international community must follow closely and continue to support all efforts to consolidate peace, ensure respect for human rights and undertake the reconstruction of El Salvador,

Considering that a commitment was made to implement the recommendations of the Human Rights Division of the United Nations Observer Mission in El Salvador, the Ad Hoc Commission and the Commission on the Truth, and that to date the recommendations of the first two bodies have not been put fully into effect,

Observing that the cessation of the armed conflict has itself eliminated an important source of violations of human dignity and has established a more suitable setting for harmonious relations and mutual respect for the rights of every person, but has not been sufficient to prevent the occurrence, albeit to a lesser degree, of violations of those rights which, unless punished and eliminated as soon as possible, could cause a recurrence of situations of increased human rights violations since the resources available to civil society with which to combat them are still scant,

Emphasizing that the effective protection of human rights calls for the strengthening of the judicial system and of the Office of the National Counsel for the Defence of Human Rights and compliance by the National Civil Police with the stipulations contained in the Peace Agreements, with the support of the international community,

Emphasizing the desire expressed by the Government of El Salvador to continue to collaborate with the work of the Commission on Human Rights,

1. Commends the independent expert for his work and thanks him for the report submitted in accordance with his terms of reference;

2. Expresses its profound satisfaction and gratitude to El Salvador for the signal importance of the ending of the armed conflict and its positive impact on the observance of human rights;

3. Welcomes the integration of the Frente Farabundo Martí para la Liberación Nacional into the civil life of the country;

4. Expresses its concern at the continued reports of violations of human rights, making it necessary for there to be greater efforts to ensure their full observance;

5. Urges the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to carry out fully the remaining agreements, together with the recommendations made by the United Nations Observer Mission in El Salvador and by the Ad Hoc Commission and those to be produced in due course by the Commission on the Truth;

6. Reiterates its appeal to all States to contribute to the consolidation of peace in El Salvador by supporting full compliance with the Peace Agreements and generously financing their implementation and the implementation of the National Reconstruction Plan;

7. Endorses all the recommendations made by the independent expert in his report, especially those aimed at strengthening the Office of the National Council for the Defence of Human Rights, setting up and developing the National Civil Police in accordance with the model that resulted from the Peace Agreements and carrying out the agreed reform of the judicial system;

8. Requests the Secretary-General to extend for one year the mandate of the independent expert to report on human rights developments in El Salvador, providing the assistance required by the Government in this field;

9. Requests the independent expert to report to the Commission on Human Rights at its fiftieth session on the action taken to give effect to the present resolution;

10. Decides to consider this matter at its fiftieth session under the relevant agenda item in the light of the independent expert's report, it being understood that if there is a substantial improvement it will be considered under the agenda item "Advisory services in the field of human rights".

67th meeting
10 March 1993
[Adopted without a vote. See chap. III.]

1993/94. Documentation and appointments

A

Documentation

The Commission on Human Rights,

Recalling General Assembly resolutions 37/14 C of 16 November 1982 and 47/202 B of 22 December 1992,

Aware of increasingly severe difficulties regarding timely distribution of documents of the Commission on Human Rights,

Noting that pre-session distribution of substantive reports, including, in particular, those of the special representatives, special rapporteurs, independent experts and thematic working groups, is necessary to allow thorough, meaningful and reliable consideration by members of the Commission,

Bearing in mind that excessive length of reports is a significant problem in the timely distribution of documents as they generally exceed the desirable thirty-two-page limit established by the relevant United Nations resolutions,

1. Decides that all reports submitted to the Commission on Human Rights should follow the standards and guidelines established by the General Assembly and that they should, as much as possible, not exceed the desirable thirty-two-page limit;

2. Requests the secretariat to do its utmost to ensure that substantive documents, in particular the reports of the special representatives, special rapporteurs, independent experts and thematic working groups, are distributed in all official languages no less than six weeks before the consideration of the respective agenda item by the Commission;

3. Requests the special representatives, special rapporteurs and independent experts of the Commission to do their utmost to submit their reports in time to enable the secretariat to meet the objectives set out in the present resolution;

4. Encourages countries which extend invitations to special representatives, special rapporteurs, independent experts and thematic working groups to take into account the contents of the present resolution;

5. Requests the Secretary-General to enable the Centre for Human Rights to undertake these functions by ensuring that sufficient resources are accorded to the Centre for Human Rights;

6. Decides, in order to facilitate the timely distribution of documents, to authorize all special representatives, special rapporteurs, independent experts and thematic working groups to begin work immediately upon the initiation or extension of their mandates by the Commission, on the understanding that if the Economic and Social Council does not approve the initiation or extension of a mandate by the Commission, work on that particular mandate shall cease;

7. Decides to keep the matter under review at its fiftieth session.

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

B

Appointments of special representatives, special rapporteurs and independent experts

The Commission on Human Rights,

Affirming that the paramount consideration in the appointment of special representatives, special rapporteurs and independent experts of the Commission shall be the necessity of securing the highest standards of efficiency, competence and integrity and that due regard shall be paid to the importance of making such appointments on as wide a geographical basis as possible,

Noting the present geographical imbalance in the appointments of special representatives, special rapporteurs and independent experts of the Commission and the desirability of redressing that situation,

1. Requests the Chairman of the Commission, in consultation with the Bureau, to do the utmost to ensure that while considering appointments of special representatives, special rapporteurs and independent experts of the Commission on the basis of the above-mentioned considerations due regard is paid to the appointments being made on as wide a geographical basis as possible so that the present geographical imbalance is redressed;

2. Decides to review the implementation of the present resolution at its fiftieth session on the basis of a report by the Chairman of the Commission.

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

1993/95. Internally displaced persons

The Commission on Human Rights,

Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Recalling the relevant norms of international human rights instruments as well as of international humanitarian law,

Deeply disturbed by the large number of internally displaced persons throughout the world and conscious of the serious problem this is creating for the international community,

Recognizing that internally displaced persons are in need of relief assistance and protection,

Conscious of the human rights as well as the humanitarian dimensions of the problem of internally displaced persons,

Aware of the absence of a focal point within the United Nations system to gather information on the situation of internally displaced persons and also of the absence of a funding mechanism,

Recalling its resolution 1992/73 of 5 March 1992, in which it requested the Secretary-General to designate a representative to seek again views and information from all Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee law and standards and their applicability to the protection of and relief assistance to internally displaced persons,

Noting with appreciation the efforts undertaken by the representative of the Secretary-General to prepare the study, in implementation of his mandate in the short time available to him,

Welcoming the active participation of the representative of the Secretary-General in the missions of the Special Rapporteur on the situation of human rights in the former Yugoslavia,

Noting that the representative of the Secretary-General has identified a number of tasks requiring further attention and study, including the compilation of existing rules and norms and the question of general guiding principles to govern the treatment of internally displaced persons, in particular their protection and the provision of relief assistance, and also noting his suggestions and recommendations, including those relating to vulnerable groups, particularly women and children,

1. Takes note with appreciation of the comprehensive study contained in the annex to the note by the Secretary-General (E/CN.4/1993/35) and of the useful suggestions and recommendations contained therein;

2. Commends the representative of the Secretary-General for his study and for the way he has started to discharge his mandate;

3. Expresses its appreciation to Governments, in particular those which enabled the representative to undertake on-site visits, as well as to bodies, programmes and organizations of the United Nations system and to intergovernmental and non-governmental organizations for the cooperation extended to the representative of the Secretary-General;

4. Requests the Secretary-General to mandate his representative for a period of two years to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions, with a view to identifying, where required, ways and means of improving protection for and assistance to internally displaced persons;

5. Encourages the representative of the Secretary-General to intensify in this regard his dialogue with Governments and to cooperate and coordinate

with the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

6. Welcomes the cooperation already established between the representative of the Secretary-General and other United Nations mechanisms and procedures in the field of human rights, and encourages the continuation of this cooperation;

7. Calls upon all Governments, regional intergovernmental organizations, the Department of Humanitarian Affairs of the Secretariat, the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross and non-governmental organizations to continue to cooperate with the representative and assist him in his tasks and activities;

8. Calls upon all Governments to continue to facilitate the tasks and activities of the representative, including, where appropriate, through extending invitations for country visits;

9. Requests the representative of the Secretary-General to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly and to make any suggestions and recommendations enabling him to better carry out his tasks and activities;

10. Decides to continue consideration of the question at its fiftieth session.

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

1993/96. Procedure for special sessions of the Commission on Human Rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments for the promotion and protection of human rights and fundamental freedoms,

Determined to achieve still further progress in the implementation of the principles and rights enshrined in those instruments,

Convinced that the reinforcement of special procedures and mechanisms established or applied by the Commission on Human Rights to promote and protect human rights and fundamental freedoms will contribute towards strengthening the role and enhancing the effectiveness of the United Nations in the field of human rights,

Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 37.]

68th meeting
11 March 1993
[Adopted without a vote. See chap. XI.]

1993/97. Situation in East Timor

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and the universally accepted rules of international law,

Bearing in mind the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session (see E/1992/22, para. 457) following the violent incident of 12 November 1991 in Dili,

Recalling Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/20 of 27 August 1992,

Gravely concerned at continuing allegations of serious human rights violations, and noting with concern in this context the reports of the Special Rapporteur on the question of torture (E/CN.4/1993/26), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25),

Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Taking note of the information that the Government of Indonesia has provided to the Commission on actions it has taken during the past year,

Welcoming the recent access to East Timor granted to human rights organizations as well as to some other relevant international observers, but remaining disappointed that such access is still frequently denied,

Having examined the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49),

1. Expresses its deep concern at the reports of continuing human rights violations in East Timor;

2. Recalls that the Commission has commended the decision of the Government of Indonesia to set up an inquiry commission but regrets that the Indonesian investigation into the actions of the members of its security personnel on 12 November 1991, from which resulted loss of life, injuries and disappearances, failed to identify clearly all those responsible for these actions;

3. Expresses its concern about the lack of information concerning the number of people killed on 12 November 1991 and about the persons still unaccounted for, and urges the Government of Indonesia to account fully for those still missing since that date;

4. Regrets the disparity in the severity of sentences imposed on those civilians not indicted for violent activities - who should have been released without delay - on the one hand, and to the military involved in the violent incident, on the other;

5. Calls upon the Government of Indonesia to honour fully its commitments undertaken in the statement on the situation of human rights in East Timor agreed by consensus by the Commission on Human Rights at its forty-eighth session;

6. Also calls upon the Government of Indonesia to ensure that all the East Timorese in custody, including main public figures, are treated humanely, with their rights fully respected, that all trials are fair, just and public and recognize the right to proper legal representation in accordance with international humanitarian law, and that those not involved in violent activities are released without delay;

7. Welcomes the greater access recently granted by the Indonesian authorities to human rights and humanitarian organizations, and calls upon the Indonesian authorities to expand this access further;

8. Encourages once again the Indonesian authorities to take the necessary steps to implement the recommendations presented by the Special Rapporteur on the question of torture in the report he submitted following his visit to Indonesia and East Timor (E/CN.4/1992/17/Add.1) and to keep the Special Rapporteur informed of the progress made towards their implementation;

9. Urges the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates;

10. Welcomes the agreement given by the Government of Indonesia to the proposal of the Secretary-General for a new visit to Indonesia and East Timor by his personal envoy, Mr. S. Amos Wako, in the coming months, and invites the Secretary-General to consider transmitting to the Commission the full reports of Mr. Wako on his previous and next visits;

11. Also welcomes the resumption of talks on the question of East Timor and encourages the Secretary-General to continue his good offices with a view to achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor;

12. Decides to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, inter alia, Governments and intergovernmental and non-governmental organizations.

68th meeting
11 March 1993
[Adopted by a roll-call vote of 22 to 12, with 15 abstentions. See chap. XII.]

1993/98. Rationalization of the work of the Commission

The Commission on Human Rights,

Recalling its resolution 1992/83 of 6 March 1992, in which it decided to discuss the question of restructuring its agenda,

Concerned about the considerable increase in the workload, including the growing number of resolutions adopted by the Commission over the years,

Conscious of the need to make economical use of the time and resources of the Commission,

Realizing that restructuring the agenda of the Commission would not be sufficient per se but should be paralleled with a rationalization of its work, as well as a reduction in the amount of documentation provided to it at each session,

1. Affirms that such a comprehensive process could only take place through consultations and on the basis of consensus in the Commission;

2. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights, to be convened after the World Conference on Human Rights and to be chaired by the Chairman of the Commission, to consider the matter and to submit specific proposals to the Commission at its fiftieth session;

3. Also decides to consider the rationalization of its work at its fiftieth session on the basis of the above-mentioned proposals.

69th meeting
12 March 1993
[Adopted without a vote. See chap. III.]

B. Decisions

1993/101. Organization of work

At its 2nd meeting, on 2 February 1993, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 5: Mr. M. L. Balanda, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on southern Africa;

(b) In connection with item 7: Mr. L. Valencia Rodríguez, independent expert on the right to own property;

(c) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteur on mercenaries;

(d) In connection with item 10: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(e) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture;

(f) In connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(g) In connection with item 11: Mr. F. M. Deng, representative of the Secretary-General on the question of internally displaced persons;

(h) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. Y. Yokota, Special Rapporteur on the situation of human rights in Myanmar; Mr. C. J. Groth, Special Rapporteur on the situation of human rights in Cuba; Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq; Mr. B. W. N'Diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. M. T Bruni Celli, independent expert on the situation of human rights in Haiti; Mr. F. Volio Jiménez, Expert appointed by the Secretary-General on the situation in Equatorial Guinea;

(i) In connection with item 12 or item 21: Mr. P. Nikken, independent expert on the situation of human rights in El Salvador; Mr. C. Tomuschat, independent expert on the situation of human rights in Guatemala;

(j) In connection with item 12 (b): Mr. T. Ramishvili, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; an expert; a special representative of the Secretary-General; and representatives of States in respect of which situations are being considered under item 12 (b);

(k) In connection with item 19: Mr. M. Alfonso Martínez, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session;

(l) In connection with item 22: Mr. A. V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance;

(m) In connection with item 24 (b): Mr. V. Muntarbhorn, Special Rapporteur on the sale of children;

(n) In connection with item 27: Mr. T. Mazowiecki, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia.

[See chap. III.]

1993/102. Expression of thanks to Mr. Antoine Blanca, Under-Secretary-General for Human Rights, for his services

At its 43rd meeting, on 26 February 1993, the Commission decided, by acclamation, to express to Mr. Antoine Blanca its gratitude for his excellent services to the Commission and for his dedication to the cause of human rights.

[See chap. III.]

1993/103. Promoting the realization of the right to adequate housing

At its 53rd meeting, on 4 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/26 of 27 August 1992, decided, without a vote, to endorse the decision of the Sub-Commission to appoint Mr. Rajindar Sachar as Special Rapporteur on promoting the realization of the right to adequate housing and to request him to carry out a two-year study on this issue, and to endorse the requests of the Sub-Commission to: (a) the Special Rapporteur to submit to the Sub-Commission, at its forty-fifth session, a progress report on the promotion of the realization of the right to adequate housing, taking into account the comments made during the discussion of his working paper (E/CN.4/Sub.2/1992/15) at its forty-fourth session, and (b) to the Secretary-General to provide the Special Rapporteur with all the assistance he might require to prepare his study and to compile and analyse the information and documents collected.

[See chap. VII.]

1993/104. Human rights dimensions of population transfer, including the implantation of settlers and settlements

At its 53rd meeting, on 4 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/28 of 27 August 1992, decided, by a vote of 48 to 1, to endorse the decision of the Sub-Commission to entrust Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements, and also to endorse the Sub-Commission's request to the Secretary-General to give the Special Rapporteurs all the assistance necessary for their study.

[See chap. VII.]

1993/105. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/110 of 27 August 1992, decided, without a vote, to endorse the request of the Sub-Commission to the Special Rapporteur, Mr. M. A. Alfonso Martínez, to submit a second progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations to the Working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session, to endorse the decision of the Sub-Commission to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultations with the Centre for Human Rights, and to recommend to the Economic and Social Council that it endorse this request.

[See chap. XIX.]

1993/106. Right to a fair trial

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/21 of 27 August 1992, expressed its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their continued work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", and decided, without a vote, to endorse the request of the Sub-Commission to the Special Rapporteurs to continue their study and to recommend the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 4.]

[See chap. X.]

1993/107. The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/32 of 27 August 1992, decided, without a vote, (a) to endorse the request of the Sub-Commission to Mr. Theo van Boven, Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, to continue his study, taking into account, inter alia, the comments made in the discussion on the preliminary report (E/CN.4/Sub.2/1990/10) and the progress reports (E/CN.4/Sub.2/1991/7 and E/CN.4/Sub.2/1992/8), and to submit to the Sub-Commission, at its forty-fifth session, a final report which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, and (b) to endorse the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require to prepare his final report.

[See chap. X.]

1993/108. Study of the issue of the privatization of prisons

At its 57th meeting, on 5 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities decision 1992/107 of 27 August 1992, decided, without a vote to endorse the requests of the Sub-Commission to: (a) Ms. Claire Palley to prepare, without financial implications, an outline of the possible utility, scope and structure of a special study which might be undertaken on the issue of privatization of prisons, to be submitted to the Working Group on Detention and to the Sub-Commission at its forty-fifth session, and (b) to the Secretary-General to provide Ms. Palley with all possible assistance for the completion of her task.

[See chap. X.]

1993/109. Question of human rights in Cyprus

At its 59th meeting, on 8 March 1993, the Commission decided, without a vote, to postpone the debate under agenda item 12 (a), entitled "Question of human rights in Cyprus", to its fiftieth session and to give it due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1993/110. Situation in China

At its 68th meeting, on 11 March 1993, the Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by a roll-call vote of 22 to 17, with 12 abstentions, to take no decision on draft resolution E/CN.4/1993/L.104.

[See chap. XII.]

1993/111. Detention in Bougainville

At its 67th meeting, on 10 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/19 of 27 August 1992, decided, without a vote, to endorse the request of the Sub-Commission to Mr. M. A. Alfonso Martínez, Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, to include in his report the case of the agreements entered into between the indigenous people of Bougainville and the Government of Papua New Guinea.

[See chap. XII.]

1993/112. Report of the Working Group on Contemporary Forms of Slavery

At its 67th meeting, on 10 March 1993, the Commission, taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1992/2 of 14 August 1992, decided, without a vote:

(a) To authorize the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of the Special Rapporteur on the exploitation of child labour, Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), submitted to the Sub-Commission at its thirty-fourth session, and to extend that study to the problem of debt bondage;

(b) To endorse the Sub-Commission's request to the Secretary-General:

(i) To invite annually States that have not acceded to or ratified the international conventions on slavery to explain why they have not done so, and to report on their replies to the Sub-Commission at its forty-fifth session and to the Commission at its fiftieth session, and to extend a similar invitation to States that have not ratified the conventions on forced labour of the International Labour Organisation;

(ii) To include in his next report on the status and implementation of the international conventions on slavery, a list of States that have not yet signed, ratified or acceded to those instruments;